

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**BOARD MEETING**

**FEBRUARY 9, 1995**

**PERRY GISCLAIR  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

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Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808  
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**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**FEBRUARY 9, 1995**

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, February 9, 1995

Chairman Perry Gisclair presiding.

Glynn Carver  
Peter Vujnovich  
Jerald Hanchey  
Joseph B. Cormier  
Tee John Mialjevich  
Jeff Schneider

Secretary Joe L. Herring was also present.

Chairman Gisclair called for a motion for approval of the **December 1, 1994 and January 5, 1995 Commission Minutes**. A motion for approval was made by Commissioner Carver and seconded by Commissioner Mialjevich. Commissioner Cormier asked why were the December 1 minutes being accepted and would the approval acknowledge them as written or with corrections if needed? Commissioner Cormier made a substitute motion to accept the minutes with corrections if any are necessary. Mr. Don Puckett stated the vote to approve the minutes was to signify the accurate events even if there are objections to what took place. Commissioner Cormier stated he had no objection to the minutes as long as corrections could be made. The motion passed with objection from Commissioner Schneider.

Chairman Gisclair asked for the **Red Drum Report; Including Commission Recommendation to Legislature Regarding Gamefish Status** be presented next. Mr. Don Puckett stated a blank resolution was in the Commissioners packets so they could provide a detailed explanation on their recommendation to the legislature for red drum. Mr. Harry Blanchet stated the report contains three parts, the biological condition, profile and stock assessment; total allowable catch with probable allocation scenarios; and detailed explanation of whether or not gamefish status should be continued. A background on the life history of red drum was given by Mr. Blanchet beginning with the adult living offshore in the Gulf of Mexico, and spawning occurring in the Gulf or passes to the bays. The larvae move to the estuaries and overwinter there. They remain in the estuaries for the first couple of years and grow very rapidly. During this time, they are sampled with trammel nets and the red drum become available to the recreational fishery. Maturation occurs between age 3 and age 6 and includes migration offshore and presence in offshore stock. At age 6, all of the fish have matured and entered the spawning stock. Next Mr. Blanchet showed overheads pertaining to Catch/Effort in Seines and Trammel

Nets and Recreational Harvest of Age 1 Red Drum Compared to Catch/Effort in Trammel Nets and Seines. Sampling of purse seine frequency that took place in the mid-80's showed concerns about the status of the red drum stock and the resulting management measures that are now in place.

Mr. Joey Shepard began by thanking everyone who supported this task by providing information on the red drum research. Two scenarios were considered; the first relied on purse seine data as an unbiased representation of the adult age structure. The second scenario was a virtual population analysis run backwards. A graph was shown on Department trammel net samples that showed the index of recruitment from 1987 to 1993. High estimates of catch efforts for recruitment began in 1990 and continues today. Then Mr. Shepard spoke on the Spawning Stock Biomass per Recruit estimates which showed what the potential of the spawning biomass is offshore for reproduction. In 1995, the spawning stock biomass per recruit was a little higher than 40 percent. The National Marine Fisheries Service looked at spawning potential in number of eggs that could potentially be produced by the offshore fish and this was in the 38 percent range. Due to regulations, the cumulative fishing mortality rates were reduced and have remained stable since 1988-89. The Department's recommendation was, should the regulations be changed to increase the fishing mortality rates, these changes should be in increments and the surplus fishery should not be absorbed at one time. Also, it was recommended to continue research to provide estimates of the current size and age structure of the offshore spawning stock. A number of allocation options were presented in the report, but Mr. Shepard stated two important points. One point was, if you have a commercial fishery, then the commercial size limit should be 18 to 27 inches and recreational fishing mortality rates should remain constant. The second point was to try to be as conservative as possible in setting quotas.

Commissioner Carver asked if the increase in red drum was due to the warm winters, what was the food source for juvenile red drum, and what effect would a cold, hard winter have on the food source and the juveniles? Going on, he asked how extensive were the sampling techniques and did the size limit regulations have an effect on the increase in numbers of fish? Commissioner Mialjevich asked what would have an impact on recruitments, if not the size limits? He then asked if the National Marine Fisheries Service included a natural disaster in their graphs and studies? Then Commissioner Mialjevich asked Mr. Blanchet to explain what was a cohort and to show the audience the table of commercial quotas at a given recreational bag limit with escapement rates. What gave the best advantage for the red drum to come back in state waters, the stopping of commercial fishery, the size limits or a combination of both, asked Commissioner Mialjevich. Mr. Blanchet stated the establishment of a minimum size limit has been an effective conservation tool. Commissioner Mialjevich then asked if the size limit regulation has affected the commercial fishery on

trout; and if you have a commercial fishery and recreational fishery with a quota, why can this not be put into effect for the red drum fishery? He then stated he does not see a biological reason for not opening the red drum fishery, he only sees a social reason of allocation. Commissioner Mialjevich then asked about the variance in the estimation of recreationally caught red drum; were the escapement rates shown in the table conservative measures, did the peer review look at the data in the report as being data from the feds, and did they see the increase in the escapement rates? Finally, he asked if Texas, Mississippi or Alabama changed their regulations on red drum? Chairman Gisclair stated the Department has prepared and provided a response to the review.

Commissioner Schneider asked when was the last gulfwide stock assessment done and when would it be done again; when was the last offshore recapture done and when was it scheduled to be done again; and when would the next Redfish Stock Assessment Panel meet? He then thanked the report writers for not including anything he would object to, like what occurred in 1994. Commissioner Schneider stated he learned, while having conversations with several of the scientists, that a discrepancy as high as six or eight times occurred between the Louisiana estimates and the National Marine Fisheries Service's estimates. He asked if it was in the early 1970's people started realizing Louisiana was running out of fish or the fish could not be found? Commissioner Carver asked if there was any data on pounds per acre on carrying capacity in the estuary and has this type study ever been done? Commissioner Schneider stated, from conversations he had with the reviewers, there was concern in some of the testing procedures and the element of risk in the conclusions. He also stated not one person recommended an increase in mortality, there should be no change in the conservation standards, and there was a need for the offshore recapture study. In a conversation with Dr. Rolland Schmitt, Commissioner Schneider learned that if you make a mistake, try to make in on the side of the resource. Commissioner Mialjevich stated, for no increase in mortality, then the creel limits would need to be adjusted. He felt, if the commercial fishery was open with a 40 to 60 percent escapement, this would be a very conservative measure. Discussion was heard on conservation standards with respect to escapement rates. Chairman Gisclair opened the discussion for public comments.

Mr. Oliver Kelley, President of South Louisiana Finfisherman's Association, asked the Commission to let the commercial fishermen harvest the red drum and urged them to proceed with caution. Mr. Kelley suggested a control on the product in order to maintain quality for the consumers and the fishermen. Also, he suggested initiating a daily quota or a tagging program. Commissioner Cormier asked if the daily quota or tagging program suggestion was a consensus that was developed over the last six months or was it always on the fishermen's mind. He then asked if Mr. Kelley's organization had devised a workable system and presented it to the

Department and would they be willing to work on quality control allocations? Commissioner Cormier reminded everyone that he made a suggestion at last year's meeting that there would be a need for allocation for commercial harvest. Commissioner Mialjevich felt it should be a team of university personnel, enforcement agents, Commission, biologists, commercial and recreational fishermen that could provide a plan for controlling a commercial harvest.

Reading a statement, Ms. Tracy Sagastee, representing what she termed a grass roots environmental organization known as HELP, stated this issue was no longer one of conservation but of allotment. They requested the red drum be reopened for commercial harvest based on the biological information.

Mr. Jeff Angers, Gulf Coast Conservation Association, stated the red drum fishery was a patient that has been getting better because of the management practices. These fish were not fully recovered as of yet, stated Mr. Angers. Commissioner Mialjevich stated he had a contradiction with a letter from Dr. Condrey on conservation measures. Commissioner Schneider stated the Magunson Act required the stock to be managed as one unit and requested looking at it as more of a gulfwide problem instead of a Louisiana problem.

Mr. Donald Cheramie, Dulac, began by explaining the quota system for speckled trout. He then stated that not only should the red drum fishery be opened but also a higher quota should be set for the harvesting of speckled trout. He also stated there was a need to harvest the redfish and an extension on the quota or a set date for closure on speckled trout. Commissioner Mialjevich stated the matter with the quota on speckled trout would have to be handled at another time but he appreciated learning about those problems.

Mr. Myron Prosperie, Houma, stated, from the amount of red drum that are in the waters now, they are dying from lack of food sources. If the fishery needs to be closed, it should be closed to all fishermen. He then stated, with Louisiana being called the Sportsman's Paradise, the resources were for all to share.

Mr. Pete Gericca, Lake Pontchartrain Fisherman's Association, stated to Commissioner Cormier that he has been on different panels and boards and that the suggestion for a quota system was requested even before the commercial fishery on red drum was shut down. He stated, before any regulations are implemented, there was a need for the fish to be monitored. He talked about the policy and standard measure in Title 56 dealing with fair and equitable and the Right to Fish Act. Mr. Gericca asked the Commission to follow the biologists advice in allowing the harvest of fish.

Mr. George Barasich, United Commercial Fisherman's Association, reminded everyone of the action taken last year in

maintaining gamefish status for red drum. He then stated it was time to do what was right and to grant a commercial red drum harvest.

Mr. Ronnie Adams, Delta Commercial Fisheries Organization, stated that from what he has read, all the conservation groups are greedy. He asked the Commissioners to treat them the same way they treat the conservation groups, fairly and equal and not shut them out.

Mr. Catch Cormier, Federation of Fly Fishers, stated he was one of the ten members of GCCA that proposed gamefish status for red drum and speckled trout. The reason for continuing gamefish status was that an abundance of fish would insure a high angling success and thus promoted tourism. Further comments were related to gamefish status on other fish and how the sport and commercial fishermen in freshwater work together. Commissioner Mialjevich stated there was too much misunderstanding that needed to be corrected. He felt it good for Louisiana to know that out-of-state money was coming in because of the new sport, fly fishing.

Mr. Henry Mouton stated the fish have to be watched since they are the patient and the Commissioners need to do what is right to manage them. If the legislature changes the status on red fish, have a provision ready in case the fishery gets in trouble again. Commissioner Mialjevich stated the commercial fishermen went out of business because of regulations, not economics.

Mr. Charles Hale, Fin Fisherman's Association of Louisiana, stated his catch of fish was used to feed the world, it was not put in a refrigerator. He then asked for a share of the fish that are available now.

Mr. Preston Batistella, Batistella Seafood, stated he is a representative of Louisiana Seafood Managers Council and explained how this council was formed and what they represent. The Council asked the Commission to give them back what they deserve and that was a red drum allocation or quota so they could earn a living again. Commissioner Mialjevich asked Mr. Batistella how did he support the tourist industry and did his organization have a plan to support quotas.

Ms. Mary Poe, Louisiana Charter Boat Association, stated the sportfishermen were against the gear used by the commercial fishermen. The reason for this was because the gear was putting those that use rod and reel out of business. She then asked to keep gamefish status on red drum. Commissioner Mialjevich asked how could a mullet fisherman catch a mullet with a hook?

Mr. Randy Lanctot, Louisiana Wildlife Federation, stated the red drum fishery may have been part of a gulfwide problem, but now it is a gulfwide opportunity to keep the fish under management. He



urged the Commission to make every attempt to have the stock assessment done as soon as possible. Mr. Lanctot then explained why the Federation recommended not changing the gamefish status on red drum. Commissioner Mialjevich discussed with Mr. Lanctot the surplus of red drum and how it should be used.

Mr. Dan Brabham stated, from comments heard, that the suggestion gamefish status on bass should be changed to commercial was rhetoric and to put things on an equal basis, would the charter boat captains be willing to take their customers out in canoes?

Mr. Dean Blanchard, a fish and shrimp buyer, tried to find out where the scientists were from that Commissioner Schneider talked to and that they were not from Louisiana. He also told Commissioner Schneider that he was confused and should be representing the State. Commissioner Schneider stated his job as a Commissioner was to consider the resource first. Mr. Blanchard then stated the red drum fishery was ready to be opened and there was enough fish to support both the sportfishermen and the commercial fishermen.

Mr. Oliver Kelley stated he supported both the sport industry and the commercial industry through his license purchases.

Mr. Ronnie Adams stated the original goal has been exceeded with the 70 percent escapement and now it was time to open the fishery to commercial harvest. He asked the Commissioners to vote for what was right and for what the people want. He concluded saying if you are going to take from one group, then you should take away from all the groups.

Mr. Joe Barbary, a commercial fisherman, asked the Commissioners which ones were members of the GCCA? Chairman Gisclair stated this was not a question and answer period.

Mr. Cormier, New Orleans, stated there was a lot of mistrust between the two groups and there was not enough enforcement to protect the fish. He also felt there was enough room to support both groups as long as there was a measure in place to control the fishery. Commissioner Mialjevich commented enforcement has help with the 1-800-number and that a working relationship should be strengthened between the enforcement agents, sport fishermen and commercial fishermen.

Mr. Donald Cheramie stated the status of red drum was gamefish and it was illegal to sell or to profit from them. Then he asked, how can the licensed charter boats get away with catching red drum and be paid to catch these fish. Mr. Don Puckett stated the charter boats are being paid for their services.

Chairman Gisclair asked Lt. Col. Charlie Clark if the Department could prepare some recommendations concerning a tagging

system and the comparison of what other states may have. Lt. Col. Clark stated Secretary Herring asked Enforcement to look at two models where gamefish were being harvested in a commercial venture. The states involved were Tennessee with sac-a-lait and Lake Okechobee in Florida. He stated enforcement liked openings and closings for seasons and tagging systems, but not the setting of quotas. Chairman Gisclair asked if Enforcement had looked at the tagging system and how tags could be distributed? Then he asked, when the alligator tagging system went into effect, how many additional agents were employed to address this system? Finally, Chairman Gisclair asked would Enforcement prefer a tagging system as opposed to no tagging system? Commissioner Mialjevich asked if there were any major problems with laundering illegal fish caught in Florida? Then he asked for help in finding a way to have an honest structured system. Commissioner Cormier asked, when did the studying of the two model programs begin and how much money would the extra agents cost the Department?

An unidentified speaker asked if restaurants that sell fish on their menus should not support the commercial fishermen? He stated the fish needed to be checked at the dock.

Mr. T-Roy Bourg, Leesville, asked if the Wildlife and Fisheries had someone checking the fish now, and why could not this agent check the red drum fishermen?

Chairman Gisclair ended the comment period and recessed for discussion on the wording of the resolution. Reconvening, Commissioner Carver made a motion for Mr. Puckett to read the resolution. Commissioner Hanchey seconded the motion.

Commissioner Mialjevich made a substitute motion and read it into the record as follows:

"LOUISIANA WILDLIFE AND FISHERIES COMMISSION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

RESOLUTION

- WHEREAS, it is the statutory duty of this Commission to make a recommendation to the Louisiana Legislature as to whether or not gamefish status for red drum (Sciaenops ocellatus) should or should not be continued, accompanied by a detailed explanation; and
- WHEREAS, the sportfishermen and commercial fishermen has endured harsh regulations in an attempt to restore the health of the red drum population;
- WHEREAS, the Fourth Annual Report on the Status of Red Drum as presented by the Department of Wildlife and Fisheries

today contains information that escapement rates in Louisiana have averaged 70 percent under current regulations;

WHEREAS, the conservation standard adopted by all the Gulf States and the Federal Government is 30 percent escapement that the present assessment indicates the fishing mortalities may be increased to a point not to exceed the established conservation standard of 30 percent escapement;

WHEREAS, any significant build up of the spawning stock in the Gulf of Mexico may result in the reopening of the red drum fishery in the Federal Exclusive Economic Zone under the Gulf Fishery Management Council Red Drum FMP; and

WHEREAS, the designation of gamefish as it relates to the current status of red drum is of little biological utility, but rather a social or political approach to the allocation aspect of management; biologically it does not matter how a fish is harvested. Gamefish status in and of itself does little to control total harvest or protect the biological integrity of the red drum stock since it does not control the amount of effort expended nor restrict the amount of time a fish is in the fishery;

WHEREAS, the commercial industry has endured zero commercial harvest since 1988.

The recommendation to open a red drum fishery, give the recreational fishermen 7 fish and give the commercial fishermen 1 million pounds of harvest which is under the 50 percent escapement.

THEREFORE BE IT RESOLVED, for the above and foregoing detailed explanation, this Commission does hereby recommend to the Louisiana Legislature that gamefish status for red drum not be continued.

FURTHERMORE, that a red drum commercial fishery does not open until a Limited Entry Program and a comprehensive tagging program is put into place, so there is a structured commercial harvest."

Commissioner Vujnovich seconded the substitute motion. Chairman Gisclair called for the vote on the substitute motion. The substitute motion failed by a vote of 3 to 4. The original motion by Commissioner Carver passed with two opposing votes. The meeting, at this point, broke for lunch.

(The full text of the Resolution is made a part of the record.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

RESOLUTION

- WHEREAS,** it is the statutory duty of this Commission to make a recommendation to the Louisiana Legislature as to whether or not gamefish status for red drum (Sciaenops ocellatus) should be continued, accompanied by a detailed explanation; and
- WHEREAS,** it is the opinion of this Commission that there is lack of sufficient biological and technical data to support the resumption of commercial harvest of redfish, including, but not limited to, offshore capture data; and
- WHEREAS,** there is no existing plan to cover harvesting or monitoring the commercial harvest; and
- WHEREAS,** no change in current regulations or harvest should be made prior to review by Gulf Council Stock Assessment Panel.
- THEREFORE BE IT RESOLVED,** for the above and foregoing detailed explanation, this Commission does hereby recommend to the Louisiana Legislature that gamefish status for red drum (Sciaenops ocellatus) be continued.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

The December Aircraft Report was presented by Secretary Herring. Having the reports in their packets, Secretary Herring asked if any one had any questions.

Hearing no further discussion on the Aircraft Report, Consideration of Offshore Shrimp Closure was discussed next. Mr. John Roussel stated the offshore sampling this year, as in years past, showed concentrations of small white shrimp this time of year. The closure is only for a portion of the offshore waters from Bayou Lafourche westward to Freshwater Bayou. Mr. Roussel read the Declaration of Emergency into the record and stated the closure was identical to last years except for the date.

Mr. Allen Gaudet requested the boundary line be moved further west from Bayou Lafourche to the Eugene Island light. The fishermen were catching 36-40's, and 40-50's and knew they would not catch the small shrimp that were being protected by the 100 count minimum size limit.

Mr. John Buque, a shrimper, requested moving the line as stated by Mr. Gaudet because the area he shrimped still had marketable shrimp.

Chairman Gisclair asked Mr. Roussel for background information on where the lines have been and then he asked for a more detailed description of these boundaries? Commissioner Mialjevich made a motion to accept the Declaration of Emergency subject to the amendment on the boundary line. Mr. Roussel then read the amended Declaration of Emergency for the record. Commissioner Vujnovich seconded the motion and it was unanimously approved.

(The full text of the Declaration of Emergency is made a part of the record.)

#### DECLARATION OF EMERGENCY

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close the State's offshore waters, the Wildlife and Fisheries Commission hereby orders a closure of that portion of the State's Offshore Territorial Waters from the Inside/Outside Shrimp Line as described in R.S. 56:495, out to three miles from the Atchafalaya River Ship Channel at Eugene Island as delineated by the River Channel buoy line west to the eastern shore of Freshwater Bayou effective at 12:01 a.m., Wednesday, February 15, 1995. R.S. 56:498 provides that the minimum legal count on white shrimp is 100 (whole shrimp) count per pound after the third Monday in December. Historical and current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in much of the State's outside waters do not average 100 count minimum legal size or larger. This action is being taken to protect these small white shrimp and allow them the opportunity to grow to a more valuable size. The Wildlife and Fisheries Commission also hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open any portion of the State's Offshore Waters or open any special seasons to harvest overwintering white shrimp in the State's Inshore Waters as indicated by technical data derived from the Department's ongoing shrimp monitoring program and upon approval by the Commission's Shrimp Committee.

Perry Gisclair  
Chairman

**An Overview of 1994-95 Hunting Season Results, Waterfowl and Deer** began with Mr. Hugh Bateman introducing Mr. David Moreland, Deer Study Leader. Mr. Moreland stated the deer hunting success for the Wildlife Management Areas was good this year with the harvest and hunter effort being about the same as last year. On Thistlewaite WMA, there were 13 bucks harvested that weighed over 200 pounds and the largest of these was a 289 pound 9-point deer. The overall archery season was slow, beginning with a hot, humid October. The gun season was very productive in most areas with a lot of deer reported to score in the 120 to 150 class on the Boone and Crocket scale. Mr. Moreland then explained the one change in regulations which allowed the harvesting of one antlered buck and an antlerless deer each day of the season. The muzzleloader season was not good due to the weather. Chairman Gisclair asked, how did the big deer taken this year compare to last year? Commissioner Schneider asked, how old were the deer taken on Thistlewaite WMA this year? Mr. Bateman stated the interest in deer hunting probably has never been greater than right now. The Deer Management Assistance Program (DMAP) has been the single, biggest public relations tool that has been effectively used in demonstrating what a landowner can do to properly manage the land. Chairman Gisclair commended the Department on the deer program.

Mr. Bateman then asked Mr. Robert Helm to give an overview on the waterfowl season. Mr. Helm began stating 1994 was one of the best production years in Prairie Canada and Northern United States. A regulation change that occurred was the addition of 10 days from 30 to 40 days with no change in the bag limit. Conditional approval was received from the Fish and Wildlife Service to use bismuth/tin shot for the taking of waterfowl. The weather affected the waterfowl season. Mr. Helm next discussed the good teal season and the hunting success in the different regions of the state. Commissioner Hanchey asked if the bismuth shot was more in line with the lead shot than the steel shot? Commissioner Schneider asked if anything could be done about the hyacinths in the Lake Maurepas and Pontchartrain Basins? Mr. Bateman reported they hoped to have good duck production again this next year. Chairman Gisclair stated the ducks were plentiful in his area and everyone there enjoyed the season.

**Rule Ratification on the State Wildlife and Paul J. Rainey Refuge Regulations** was presented by Mr. Johnnie Tarver. He reminded the Commissioners a Notice of Intent was promulgated at the October Meeting. There have been no public comments received and no changes have been made since the Notice of Intent. Commissioner Mialjevich asked if any public comments were received by the Department? Commissioner Cormier made a motion to accept the Rule as written. It was seconded by Commissioner Carver and approved unanimously.

(The full text of the Rule is made a part of the record.)

## **RULE**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission hereby adopts a rule establishing visitor regulations for State Wildlife Refuge and Paul J. Rainey Refuge of the National Audubon Society.

## **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part III. State Game and Fish Preserves and Sanctuaries**

#### **Chapter 3. Particular Game and Fish Preserves and Commissions**

#### **§323. State Wildlife and Paul J. Rainey Refuges**

##### **A. Visitor Regulations for State Wildlife Refuge**

1. Use of the refuge will be allowed from official sunrise to official sunset. This includes access routes through the refuge.

2. Overnight camping is prohibited.

3. Hunting, pursuing, killing, molesting or intentionally disturbing any type of wildlife by the public is prohibited. This does not prohibit the Department of Wildlife and Fisheries from carrying out harvest programs for certain types of wildlife as specified in the Deed of Donation.

4. Commercial and recreational trawling on the refuge is prohibited. Recreational trotlines, jug lines, trammel nets, gill nets, hoop nets and fish and crab traps are prohibited. All commercial fishing and use of any commercial fishing gear on the refuge is prohibited. Twenty-five pounds of shrimp (heads on) per boat or vehicle per day is allowed during the inside open shrimp season as established by the Wildlife and Fisheries Commission. Ten pounds of shrimp (heads on) for bait purposes may be caught during the closed season. Shrimp may be harvested only by cast net on the refuge and only for sport fishing or home consumption use. Containers are required to receive cast net catches to prevent littering and for safety purposes.

5. Crawfish may be harvested from the open portion of the refuge and 100 pounds per boat or vehicle is allowed per day. Set nets may be used but must be attended and removed from the refuge daily. No commercial harvest is allowed.

6. Crabs may be harvested from the open portion of the refuge; and 12 dozen crabs are allowed per boat or vehicle per day. A maximum of 12 crab nets are allowed per boat or vehicle. No commercial harvest is allowed.

7. Oysters may be harvested by tonging (properly licensed) or by hand collection from the natural reefs. One gallon per boat or vehicle per day is allowed and oysters must be opened at the reef and the shells returned to the reef. Taking of oysters on the reef is dependent upon Department of Health and Hospitals' approval and may be closed at any time by the Department of Wildlife and Fisheries.

8. The burning of the marsh by the public is prohibited. Water control structures shall not be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries.

9. Bringing firearms, bows and arrows, liquor and controlled dangerous substances (drugs) onto the refuge is prohibited. Personal companion animals (eg. dogs) are restricted to boats or vehicles unless prior approval is obtained from the refuge supervisor. Upon probable cause a violation has occurred, all boats and vehicles are subject to search by all authorized employees of the Department of Wildlife and Fisheries.

10. Speed boat racing, air boats, hover craft, jet skis, and water skiing are prohibited. All boat traffic shall honor no wake zones and shall keep wave wash to a minimum. Pulling boats over or around levees, dams or water control structures is prohibited. The Department of Wildlife and Fisheries may further restrict specified areas of the refuge from public access or use.

11. No litter is allowed. Visitors must remove their litter or place litter in appropriate litter disposal sites. Damage to or removal of trees, shrubs and wild plants without prior approval is prohibited.

12. Commercial fishing gear or trawls shall not be permitted in possession while participating in sport fishing on the refuge. Commercial fishing gear may be in possession for nonstop access directly across refuge or for safe harbor only.

13. Department officials and enforcement officers shall have the duty and the right to restrict access to the refuge, even for the purpose herein enumerated, whenever the circumstances exist that such access may impair the primary purpose of the refuge as a wildlife refuge and sanctuary.

14. Violation of any part of this subsection constitutes a class two violation.



B. Visitor Regulations for Paul J. Rainey Refuge of the National Audubon Society

1. All visitors must be accompanied by a representative of the National Audubon Society.

2. Trespassing, hunting, pursuing, killing, molesting, fishing or intentionally disturbing any type of wildlife by the public is prohibited. This does not prohibit the National Audubon Society from carrying out harvest programs for certain types of wildlife as specified in the Deed of Donation.

3. Possessing firearms, bows and arrows, liquor and controlled dangerous substances (drugs) on the refuge is prohibited.

4. Upon probable cause a violation has occurred, all boats and vehicles are subject to search by all authorized employees of the Department of Wildlife and Fisheries.

5. Department officials and enforcement officers shall have the duty and the right to restrict access to the refuge, even for the purpose herein enumerated, whenever the circumstances exist that such access may impair the primary purpose of the refuge as a wildlife refuge and sanctuary.

6. Violation of any part of this subsection constitutes a class two violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 et seq. and R.S. 56:763.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21: (February 1995).

Perry Gisclair  
Chairman

Chairman Gisclair asked Mr. Don Puckett to give a **Moratorium Update on Commercial Fishing License Sales & Possible Declaration of Emergency & Notice of Intent**. Mr. Puckett stated the Department received an opinion from the Attorney General's Office which allows the Commission to enact a moratorium on the sale of certain gear license. However, the Declaration of Emergency sent to the Attorney General did not contain enough information to justify it being done as an emergency. Commissioner Schneider asked if the APA process would take 120 days? Commissioner Mialjevich asked why could the process not be done as an emergency and why the speculation of the out-of-state fishermen coming into Louisiana to fish could not be used as imminent peril? Commissioner Schneider asked if the Department has the resources to develop an economic impact in case of an emergency and would the impact statement need

to be reviewed before an emergency rule was implemented? Commissioner Schneider read from the Attorney General's opinion that a Declaration of Emergency has to contain a Fiscal Impact Statement. Mr. Puckett felt the statement was incorrect. Commissioner Cormier asked for clarification on the 120 days on passing a non-emergency rule and would it give the same effect as an emergency rule? Commissioner Mialjevich made a motion to put a Notice of Intent into effect. After Mr. Puckett read the Notice of Intent, discussion followed on the exact wording for the Notice of Intent. Commissioner Mialjevich asked about the date for written comments on the Notice of Intent and would the appropriate date be put into the Notice? Mr. Puckett suggested listing a scheduled public hearing in the Notice of Intent. The motion was seconded by Commissioner Vujnovich and was unanimously approved.

(The full text of the Notice of Intent is made a part of the record.)

#### NOTICE OF INTENT

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to prohibit the issuance of additional 1995 gear licenses for saltwater gill nets, trammel nets or seines.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishing

#### §347. License Moratorium: Saltwater Gill Nets, Trammel Nets and Seines

No additional 1995 gear licenses for saltwater gill nets, trammel nets or seines shall be issued; provided, however, that the Department shall issue renewal licenses to those individuals, persons, firms or corporations who held valid licenses for the 1994 license year for the above enumerated gear.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:301.5.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21: .

The Commission will conduct public hearings at the April monthly meeting at 10:00 a.m. April 6, 1995 at the Louisiana

Department of Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, Louisiana and its May monthly meeting at 10:00 a.m.; May 4, 1995 at the Peltier Hall, Nicholls State University, Thibodaux, Louisiana; and at 10:00 a.m. Tuesday, April 25, 1995 at the Louisiana Department of Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, Louisiana.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., May 5, 1995 to Joe L. Herring, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Perry Gisclair  
Chairman

**Civil Restitution and Class 1 Update** for the month of January was provided by Mrs. Wynnette Kees. During the month, 55 cases were assessed for a value of \$27,601 and payment was received on 52 cases which totaled \$12,414. Thirty-two notifications of disposition were mailed based on adjudication notices received from the Hearing Officer. Chairman Gisclair asked, what was the time frame on the 52 outstanding cases? Commissioner Mialjevich asked if the Department received any money from fines imposed by judges in New Orleans?

The **Monthly Law Enforcement Report for January** was given by Lt. Col. Charlie Clark. The following numbers of citations were issued during the month of January.

Region I - Minden - 46 citations.

Region II - Monroe - 91 citations.

Region III - Alexandria - 52 citations.

Region IV - Ferriday - 84 citations.

Region V - Lake Charles - 83 citations.

Region VI - Opelousas - 196 citations.

Region VII - Baton Rouge - 142 citations.

Region VIII - New Orleans - 205 citations. Commissioner Mialjevich asked about the violations incurred by the trailer of catfish?

Region IX - Thibodaux - 134 citations.

Statewide Strike Force - 50 citations.

Oyster Strike Force - 37 citations.

Offshore Boats (SWEP) - 7 citations.

The grand total of citations issued statewide for the month of January was 1,040. Commissioner Vujnovich thanked the Enforcement Division for catching a violator that was on his lease.

The **Secretary's Report** to the Commission was given by Secretary Herring. The Louisiana Wildlife Federation would be holding its Annual Conference in Natchitoches February 18 and 19 and invited the Commissioners and public to attend.

A press conference and meeting with U.S. Secretary of the Interior Bruce Babbitt was held on January 31. Also, the signing of a Memorandum of Understanding with the National Biological Services occurred at this meeting.

A publication was presented to the Commissioners on the Sport Fish Restoration Act which highlighted the projects in the southeast United States. In 1993, a John Breau Day was held which included field trips across the state showing Senator Breau the different projects.

International Paper Company and Georgia Pacific helped the Information and Education Division produce posters dealing with the safety of fishing and using hunter orange.

Progress was being made to restore the Beechwood Fish Hatchery, but a tornado went through the area and ripped some trees that fell into the restored ponds and would need to be replaced.

The zebra mussel has shown up in samples taken throughout the state. Secretary Herring stated the Department was unsure what could be done to control this exotic animal.

The program, Becoming An Outdoors Woman, would be holding two seminars this year, one in April and the second in the fall. The April seminar is already full with the Department turning back approximately 100 applicants. The total number of courses conducted by the Information & Education Division during January was 36 with 2,318 participating students.

The nutria program in New Orleans was really growing. The Fur & Refuge staff has been meeting and working with these people in trying to control this problem. The staff, in conducting their bald eagle surveys, found over 90 active nests. The Brown Pelican population was growing, with 12,000 fledglings being produced last year. Also last year, the Department petitioned for the Brown Pelican to be removed from the Endangered Species list.

In conclusion, Secretary Herring stated the staff attended 48 different meetings held during January.

**Consideration of Recision of January Election** began with Commissioner Schneider giving the Commissioners the opportunity to correct a mistake that he felt occurred at the January meeting. He then made a motion to rescind the January election. This was seconded by Commissioner Cormier. The motion failed with a vote of two to five. Secretary Herring gave each Commissioner a letter he wrote on the election.

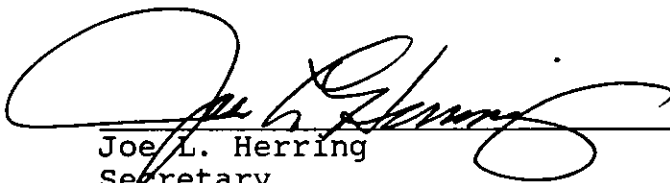
**Notice of Intent to Amend By-Laws Relative to Term Limits** was presented by Mr. Don Puckett. He began explaining the procedure to amend the By-Laws and the two draft proposals. The proposals included the Election of Officers being held in January rather than December and, additionally, a member that was Chairman one year can not succeed himself the following year. Mr. Puckett then stated he was suggesting a third proposal that dealt with putting items on the agenda. Commissioner Schneider stated there are times when a member wants an item on the agenda for informational purposes only and asked about that situation. Mr. Puckett then stated the item would be listed on the March agenda as Amendment of By-Laws.

Commissioner Cormier asked Mr. Puckett if the opinion he received from the Parliamentarian was not a valid opinion? Mr. Puckett stated he has not changed his view on that opinion.

Commissioner Schneider made a motion to hold the **June 1995 Meeting** on Thursday, June 1, 1995 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Vujnovich and passed with an objection from Commissioner Mialjevich.

Chairman Gisclair then asked for **Public Comments**. Commissioner Mialjevich asked to receive monthly updates on the saltwater license sales for gill nets, trammel nets and seines. Then he asked Mr. Bennie Fontenot if the list of recommendations for the Catfish Task Force would be available for the next meeting? Finally, Commissioner Mialjevich put everyone on notice that he may do something about catfish. Mr. Fred Prejean provided a list of license sales from the beginning of this current license year through January 1995 as compared with the last two license years.

There being no further business, Commissioner Cormier made a motion to **Adjourn** the meeting and was seconded by Commissioner Schneider.

  
Joe L. Herring  
Secretary

JLH:sch

COMMISSION MEETING  
ROLL CALL

Thursday, February 9, 1995  
Baton Rouge, LA  
Wildlife & Fisheries Building

	Attended	Absent
Perry Gisclair (Chairman)	<u>✓</u>	<u>   </u>
Glynn Carver	<u>✓</u>	<u>   </u>
Jeff Schneider	<u>✓</u>	<u>   </u>
Tee John Mialjevich	<u>✓</u>	<u>   </u>
Joseph Cormier	<u>✓</u>	<u>   </u>
Jerald Hanchey	<u>✓</u>	<u>   </u>
Peter Vujnovich	<u>✓</u>	<u>   </u>

Mr. Chairman:

There are 7 Commissioners in attendance and we have a quorum.  
Secretary Herring is also present.

FEBRUARY COMMISSION MEETING

FEBRUARY 9, 1995

Consideration of Recision of January Election

Chairman Gisclair: I appreciate your report. Moving along to Number 12, Consideration of Recision of January Election. Mr. Schneider?

Commissioner Schneider: Yes, I think it's pretty self-explanatory. I just want to give you guys a chance to correct what I think is your mistake in the January meeting. So I would just like to move that, make a motion that we rescind the election in January.

Chairman Gisclair: Moved by Mr. Schneider.

Commissioner Cormier: Seconded.

Chairman Gisclair: Seconded by Mr. Cormier. All in favor of the motion, raise their hand. All opposed? The motion fails.

Secretary Herring: Mr. Chairman, while you are on that I would like just to say a word.

Chairman Gisclair: Sure.

Secretary Herring: Some things last, I'm going to ask that this report, I'm not going to read it then since it went over so easily that this just be entered into the meeting. But what I said last week, some of it, we didn't take the word necessarily of our attorney on this. No, we didn't take the word of some Parliamentarians. I had asked the attorney to get a reading from the Parliamentarian and that Parliamentarian changed her decision on it, so I went and got another Parliamentarian and did it. So, I would just like for this to be entered as part of the meeting and why that happened and how the election came out like it did. I did not want to get into it at that time but I did and but I'm not, I take the word of our employee but this was a Parliamentarian's decision against a Parliamentarian ruling you might say. So, I think the last Parliamentarian we had on that had a much better ruling. Thank you Mr. Chairman.

Chairman Gisclair: Thank you. Number 13...

MINUTES OF THE MEETING  
OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, February 9, 1995

Chairman Perry Gisclair presiding.

Glynn Carver  
Peter Vujnovich  
Jerald Hanchey  
Joseph B. Cormier  
Tee John Mialjevich  
Jeff Schneider

Secretary Joe L. Herring was also present.

Chairman Gisclair called for a motion for approval of the **December 1, 1994 and January 5, 1995 Commission Minutes**. A motion for approval was made by Commissioner Carver and seconded by Commissioner Mialjevich. Commissioner Cormier asked why were the December 1 minutes being accepted and would the approval acknowledge them as written or with corrections if needed? Commissioner Cormier made a substitute motion to accept the minutes ~~but~~ with corrections if any are necessary. Mr. Don Puckett stated the vote to approve the minutes was to signify the accurate events even if there are objections to what took place. Commissioner Cormier stated he had no objection to the minutes as long as corrections could be made. The motion passed with objection from Commissioner Schneider.

Chairman Gisclair asked for the **Red Drum Report; Including Commission Recommendation to Legislature Regarding Gamefish Status** be presented next. Mr. Don Puckett stated a blank resolution was in the Commissioners packets so they could provide a detailed explanation on their recommendation to the legislature for red drum. Mr. Harry Blanchet stated the report contains three parts, the biological condition, profile and stock assessment; total allowable catch with probable allocation scenarios; and detailed explanation of whether or not gamefish status should be continued. A background on the life history of red drum was given by Mr. Blanchet beginning with the adult living offshore in the Gulf of Mexico, spawning occurring in the Gulf or passes to the bays. The larvae move to the estuaries and overwinter there. They remain in the estuaries for the first couple of years and grow very rapidly. During this time, they are sampled with trammel nets and the red drum become available to the recreational fishery. Maturation occurs between age 3 and age 6 and includes ~~the~~ migration offshore and ~~the~~ presence in offshore stock. At age 6, all of the fish have matured and entered the spawning stock. Next Mr. Blanchet showed overheads pertaining to Catch/Effort in Seines and Trammel Nets and

*Draft*  
*Corrections made*  
*2/23/95 - sch*



Recreational Harvest of Age 1 Red Drum Compared to Catch/Effort in Trammel Nets and Seines. Sampling of purse seine frequency that took place in the mid-80's showed concerns about the status of the red drum stock and ~~thus~~ the management measures that are now in place. *Resulting*

Mr. Joey Shepard began by thanking everyone <sup>who</sup> ~~that has~~ supported this task by providing information on the red drum research. Two scenarios were considered; the first relied on purse seine data as an unbiased representation of the adult age structure. The second scenario was a virtual population analysis run backwards. A graph was shown on Department trammel net samples that showed the index of recruitment from 1987 to 1993. High estimates of catch efforts for recruitment began in 1990 and continues today. Then Mr. Shepard spoke on the Spawning Stock Biomass per Recruit estimates which showed what the potential of the spawning biomass is offshore for reproduction. In 1995, the spawning stock biomass per recruit was a little higher than 40 percent. The National Marine Fisheries Service looked at spawning potential in number of eggs that could potentially be produced by the offshore fish and this was in the 38 percent range. Due to regulations, the cumulative fishing mortality rates were reduced and have remained stable since 1988-89. The Department's recommendation was, should the regulations be ~~changed that would~~ increase the fishing mortality rates, these changes should be in increments and the surplus fishery should not be absorbed at one time. Also, it was recommended to continue research to provide estimates of the current size and age structure of the offshore spawning stock. A number of allocation options were presented in the report, but Mr. Shepard stated two important points. One point was, if you have a commercial fishery, then the commercial size limit should be 18 to 27 inches and recreational fishing mortality rates should remain constant. The second point was to try to be as conservative as possible in setting quotas.

*And* Commissioner Carver asked if the increase in red drum was due to the warm winters, what was the food source for juvenile red drum, *the* what effect would a cold, hard winter have on the food source and juveniles? Going on, he asked how extensive were the sampling techniques and did the size limit regulations have an effect on the increase in numbers of fish? Commissioner Mialjevich asked what would have an impact on recruitments, if not the size limits? He then asked if the National Marine Fisheries Service included a natural disaster in their graphs and studies? Then Commissioner Mialjevich asked Mr. Blanchet to explain what was a cohort and to show the audience the table of commercial quotas at a given recreational bag limit with escapement rates. What gave the best advantage for the red drum to come back in state waters, the stopping of commercial fishery, the size limits or a combination of both, asked Commissioner Mialjevich. Mr. Blanchet stated the establishment of a minimum size limit has been an effective conservation tool. Commissioner Mialjevich then asked if the size limit regulation has affected the commercial fishery on trout; and

if you have a commercial fishery and recreational fishery with a quota, why can not this be put into effect for the red drum fishery? He then stated he does not see a biological reason for not opening the red drum fishery, he only sees a social reason of allocation. Commissioner Mialjevich then asked about the variance in the estimation of recreationally caught red drum; were the escapement rates shown in the table conservative measures, did the peer review look at the data in the report as being data from the feds, and did they see the increase in the escapement rates? Finally, he asked if Texas, Mississippi or Alabama changed their regulations on red drum? Chairman Gisclair stated the Department has prepared and provided a response to the review.

Commissioner Schneider asked when was the last gulfwide stock assessment done and when would it be done again; when was the last offshore recapture done and when was it scheduled to be done again; and when would the next Redfish Stock Assessment Panel meet? He then thanked the report writers for not including anything he would object to like what occurred in 1994. Commissioner Schneider stated he learned, while having conversations with several of the scientists, that a discrepancy as high as six or eight times occurred between the Louisiana estimates and the National Marine Fisheries Service's estimates. He asked if it was in the early 1970's people started realizing Louisiana was running out of fish or the fish could not be found? Commissioner Carver asked if there was any data on pounds per acre on carrying capacity in the estuary and has this type study ever been done? Commissioner Schneider stated, from conversations he had with the reviewers, there was concern in some of the testing procedures and the element of risk in the conclusions. He also stated not one person recommended an increase in mortality, there should be no change in the conservation standards, and there was a need for the offshore recapture study. In a conversation with Dr. Rolland Schmitten, Commissioner Schneider learned that if you make a mistake, try to make in on the side of the resource. Commissioner Mialjevich stated, for ~~a~~ no increase in mortality, then the creel limits would need to be adjusted. He felt, if the commercial fishery was open with a 40 to 60 percent escapement, this would be a very conservative measure. Discussion was heard on conservation standards with respect to escapement rates. Chairman Gisclair opened the discussion for public comments.

Mr. Oliver Kelley, President of South Louisiana Finfisherman's Association, asked the Commission to let the commercial fishermen harvest the red drum and urged them to proceed with caution. Mr. Kelley suggested a control on the product in order to maintain quality for the consumers and the fishermen. Also, he suggested initiating a daily quota or a tagging program. Commissioner Cormier asked if the daily quota or tagging program suggestion was a consensus that was developed over the last six months or was it always on the fishermen's mind. He then asked if Mr. Kelley's organization had devised a workable system and presented it to the

Department and would they be willing to work on quality control allocations? Commissioner Cormier reminded everyone that he made a suggestion at last year's meeting that there would be a need for allocation for commercial harvest. Commissioner Mialjevich felt it *should* ~~would~~ be a team of university personnel, enforcement, Commission, biologists, commercial and recreational fishermen that could provide a plan for controlling a commercial harvest. *agents*  
*Representing what she termed*

Reading a statement, Ms. Tracy Sagastee, *Grass Roots* Environmental Organization known as HELP, stated this issue was no longer one of conservation but of allotment. They requested the red drum be reopened for commercial harvest based on the biological information.

Mr. Jeff Angers, Gulf Coast Conservation Association, stated the red drum fishery was a patient that has been getting better because of the management practices. These fish were not fully recovered as of yet, *stated* Mr. Angers. Commissioner Mialjevich stated he had a contradiction with a letter from Dr. Condrey on conservation measures. Commissioner Schneider stated the Magunson Act required the stock to be managed as one unit and requested looking at it as more of a gulfwide problem instead of a Louisiana problem.

Mr. Donald Cheramie, Dulac, began by explaining the quota system for speckled trout. He then stated that not only *should be* ~~the~~ red drum fishery be opened but also a higher quota *se* for the harvesting of speckled trout. He also stated there was a need to harvest the redfish and an extension on the quota or a set date for closure on speckled trout. Commissioner Mialjevich stated the matter with the quota on speckled trout would have to be handled at another time but he appreciated learning about those problems.

*stated* Mr. Myron Prosperie, Houma, ~~stated~~ from the amount of red drum that are in the waters now, they are dying from lack of food sources. If the fishery needs to be closed, it should be closed to all fishermen. He then ~~asked~~, with Louisiana being called the Sportsman's Paradise, the resources were for all to share.

*stated* Mr. Pete Gerica, Lake Pontchartrain Fisherman's Association, stated to Commissioner Cormier that he has been on different panels and boards and that the suggestion for *asked* quota system was requested even before the commercial fishery on red drum was shut down. He ~~asked~~, before any regulations are implemented, there was a need for the fish to be monitored. He talked about the policy and standard measure in Title 56 dealing with fair and equitable and the Right to Fish Act. Mr. Gerica asked the Commission to follow the biologists advice in allowing the harvest of fish.

Mr. George Barasich, United Commercial Fisherman's Association, reminded everyone of the action taken last year in maintaining gamefish status for red drum. He then stated it was

time to do what was right and to grant a commercial red drum harvest.

*that* Mr. Ronnie Adams, Delta Commercial Fisheries Organization, stated from what he has read, all the conservation groups are greedy. He asked the Commissioners to treat them the same way they treat the conservation groups, fairly and equal and not shut them out.

*that* Mr. Catch Cormier, Federation of Fly Fishers, stated he was one of the ten members of GCCA that proposed gamefish status for red drum and speckled trout. The reason for continuing gamefish status was an abundance of fish would insure a high angling success and thus promoted tourism. Further comments were related to gamefish status on other fish and how the sport and commercial fishermen in freshwater work together. Commissioner Mialjevich stated there was too much misunderstanding that needed to be corrected. He felt it good for Louisiana to know that out-of-state money was coming in because of the new sport, fly fishing.

Mr. Henry Mouton stated the fish have to be watched since they are the patient and the Commissioners need to do what is right to manage them. If the legislature changes the status on red fish, have a provision ready in case the fishery gets in trouble again. Commissioner Mialjevich stated the commercial fishermen went out of business because of regulations, not economics.

Mr. Charles Hale, Fin Fisherman's Association of Louisiana, stated his catch of fish was used to feed the world, it was not put in a refrigerator. He then asked for a share of the fish that are available now.

Mr. Preston Batistella, Batistella Seafood, stated he is a representative of Louisiana Seafood Managers Council and explained how this council was formed and what they represent. The Council asked the Commission to give them back what they deserve and that was a red drum allocation or quota so they could ~~earn~~ *earn* a living again. Commissioner Mialjevich asked Mr. Batistella how did he support the tourist industry and did his organization have a plan to support quotas.

Ms. Mary Poe, Louisiana Charter Boat Association, stated the sportfishermen were against the gear used by the commercial fishermen. The reason for this was because the gear was putting those that use rod and reel out of business. She then asked to keep gamefish status on red drum. Commissioner Mialjevich asked how could a mullet fisherman catch a mullet with a hook?

*PART* Mr. Randy Lanctot, Louisiana Wildlife Federation, stated the red drum fishery may have been ~~one~~ of a gulfwide problem, but now it is a gulfwide opportunity to keep the fish under management. He urged the Commission to make every attempt to have the stock

assessment done as soon as possible. Mr. Lanctot then explained why the Federation recommended not changing the gamefish status on red drum. Commissioner Mialjevich discussed with Mr. Lanctot the surplus of red drum and how it should be used.

Mr. Dan Brabham stated, from comments heard, that the <sup>suggestion</sup> gamefish status on bass should be changed to commercial was rhetoric and to put things on an equal basis, would the charter boat captains be willing to take their customers out in canoes?

Mr. Dean Blanchard, a fish and shrimp buyer, tried to find out where the scientists were from that Commissioner Schneider talked to and that they were not from Louisiana. He also told Commissioner Schneider that he was confused and should be representing the State. Commissioner Schneider stated his job as a Commissioner was to consider the resource first. Mr. Blanchard then stated the red drum fishery was ready to be opened and there was enough fish to support both the sportfishermen and the commercial fishermen.

Mr. Oliver Kelley stated he supported both the sport industry and the commercial industry through his license purchases.

Mr. Ronnie Adams stated the original goal has been exceeded with the 70 percent escapement and now it was time to open the fishery to commercial harvest. He asked the Commissioners to vote for what was right and for what the people want. He concluded saying if you are going to take from one group, then you should take away from all the groups.

Mr. Joe Barbery, a commercial fisherman, asked the Commissioners which ones were members of the GCCA? Chairman Gisclair stated this was not a question and answer period.

Mr. Cormier, New Orleans, stated there was a lot of mistrust between the two groups and there was not enough enforcement to protect the fish. He also felt there was enough room to support both groups as long as there was a measure in place to control the fishery. Commissioner Mialjevich commented enforcement has help with the 1-800-number and that a working relationship should be strengthened between the enforcement agents, sport fishermen and commercial fishermen.

Mr. Donald Cheramie stated the status of <sup>from</sup> red drum was gamefish and it was illegal to sell or to profit from. Then he asked, how can the licensed charter boats get away with catching red drum and be paid to catch these fish. Mr. Don Puckett stated the charter boats are being paid for their services.

<sup>could</sup> Chairman Gisclair asked Lt. Col. Charlie Clark if the Department <sup>could</sup> prepared some recommendations concerning a tagging system and the comparison of what other states may have. Lt. Col.

Clark stated Secretary Herring asked Enforcement to look at two models where gamefish were being harvested in a commercial venture. The states involved were Tennessee with sac-a-lait and Lake Okechobee in Florida. He stated enforcement liked openings and closings for seasons and tagging systems, but not the setting of quotas. Chairman Gisclair asked if Enforcement had looked at the tagging system and how tags could be distributed? Then he asked, when the alligator tagging system went into effect, how many additional agents were employed to address this system? Finally, Chairman Gisclair asked would Enforcement prefer a tagging system as opposed to no tagging system? Commissioner Mialjevich asked if there were any major problems with laundering illegal fish caught in Florida? Then he asked for help in finding a way to have an honest structured system. Commissioner Cormier asked when did the studying of the two model programs begin and how much money would the extra agents cost the Department?

An unidentified speaker asked if restaurants that sell fish on their menus ~~should they~~ not support the commercial fishermen? He stated the fish needed to be checked at the dock.

Mr. T-Roy Bourg, Leeville, asked if the Wildlife and Fisheries had someone checking the fish now, and why could not this agent check the red drum fishermen?

Chairman Gisclair ended the comment period and recessed for discussion on the wording of the resolution. Reconvening, Commissioner Carver made a motion for Mr. Puckett to read the resolution. Commissioner Hanchey seconded the motion.

Commissioner Mialjevich made a substitute motion and read it into the record as follows:

"LOUISIANA WILDLIFE AND FISHERIES COMMISSION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

RESOLUTION

- WHEREAS, it is the statutory duty of this Commission to make a recommendation to the Louisiana Legislature as to whether or not gamefish status for red drum (Sciaenops ocellatus) should or should not be continued, accompanied by a detailed explanation; and
- WHEREAS, the sportfishermen and commercial fishermen has endured harsh regulations in an attempt to restore the health of the red drum population;
- WHEREAS, the Fourth Annual Report on the Status of Red Drum as presented by the Department of Wildlife and Fisheries today contains information that escapement rates in

Louisiana have averaged 70 percent under current regulations;

WHEREAS, the conservation standard adopted by all the Gulf States and the Federal Government is 30 percent escapement that the present assessment indicates the fishing mortalities may be increased to a point not to exceed the established conservation standard of 30 percent escapement;

WHEREAS, any significant build up of the spawning stock in the Gulf of Mexico may result in the reopening of the red drum fishery in the Federal Exclusive Economic Zone under the Gulf Fishery Management Council Red Drum FMP; and

WHEREAS, the designation of gamefish as it relates to the current status of red drum is of little biological utility, but rather a social or political approach to the allocation aspect of management; biologically it does not matter how a fish is harvested. Gamefish status in and of itself does little to control total harvest or protect the biological integrity of the red drum stock since it does not control the amount of effort expended nor restrict the amount of time a fish is in the fishery;

WHEREAS, the commercial industry has endured zero commercial harvest since 1988.

The recommendation to open a red drum fishery, give the recreational fishermen 7 fish and give the commercial fishermen 1 million pounds of harvest which is under the 50 percent escapement.

THEREFORE BE IT RESOLVED, for the above and foregoing detailed explanation, this Commission does hereby recommend to the Louisiana Legislature that gamefish status for red drum not be continued.

FURTHERMORE, that a red drum commercial fishery does not open until a Limited Entry Program and a comprehensive tagging program is put into place, so there is a structured commercial harvest."

Commissioner Vujnovich seconded the substitute motion. Chairman Gisclair called for the vote on the substitute motion. The substitute motion failed by a vote of 3 to 4. The original motion by Commissioner Carver passed with two opposing votes. The meeting, at this point, broke for lunch.

(The full text of the Resolution is made a part of the record.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

RESOLUTION

- WHEREAS,** it is the statutory duty of this Commission to make a recommendation to the Louisiana Legislature as to whether or not gamefish status for red drum (Sciaenops ocellatus) should be continued, accompanied by a detailed explanation; and
- WHEREAS,** it is the opinion of this Commission that there is lack of sufficient biological and technical data to support the resumption of commercial harvest of redfish, including, but not limited to, offshore capture data; and
- WHEREAS,** there is no existing plan to cover harvesting or monitoring the commercial harvest; and
- WHEREAS,** no change in current regulations or harvest should be made prior to review by Gulf Council Stock Assessment Panel.
- THEREFORE BE IT RESOLVED,** for the above and foregoing detailed explanation, this Commission does hereby recommend to the Louisiana Legislature that gamefish status for red drum (Sciaenops ocellatus) be continued.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

The December **Aircraft Report** was presented by Secretary Herring. Having the reports in their packets, Secretary Herring asked if any one had any questions.

Hearing no further discussion on the Aircraft Report, **Consideration of Offshore Shrimp Closure** was discussed next. Mr. John Roussel stated the offshore sampling this year, as in years past, showed concentrations of small white shrimp this time of year. The closure is only for a portion of the offshore waters from Bayou Lafourche westward to Freshwater Bayou. Mr. Roussel read the Declaration of Emergency into the record and stated the closure was identical to last years except for the date.

Mr. Allen Gaudet requested <sup>AND</sup> the boundary line be moved further west from Bayou Lafourche to the Eugene Island light. The fishermen were catching 36-40's, 40-50's and knew they would not catch the small shrimp that were being protected by the 100 count minimum size limit.



Mr. John Buque, a shrimper, requested moving the line as stated by Mr. Gaudet because the area he shrimped still had marketable shrimp.

Chairman Gisclair asked Mr. Roussel for background information on where the lines have been and then he asked for a more detailed description of these boundaries? Commissioner Mialjevich made a motion to accept the Declaration of Emergency subject to the amendment on the boundary line. Mr. Roussel then read the amended Declaration of Emergency for the record. Commissioner Vujnovich seconded the motion and <sup>it</sup> was unanimously approved.

(The full text of the Declaration of Emergency is made a part of the record.)

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close the State's offshore waters, the Wildlife and Fisheries Commission hereby orders a closure of that portion of the State's Offshore Territorial Waters from the Inside/Outside Shrimp Line as described in R.S. 56:495, out to three miles from the Atchafalaya River Ship Channel at Eugene Island as delineated by the River Channel buoy line west to the eastern shore of Freshwater Bayou effective at 12:01 a.m., Wednesday, February 15, 1995. R.S. 56:498 provides that the minimum legal count on white shrimp is 100 (whole shrimp) count per pound after the third Monday in December. Historical and current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in much of the State's outside waters do not average 100 count minimum legal size or larger. This action is being taken to protect these small white shrimp and allow them the opportunity to grow to a more valuable size. The Wildlife and Fisheries Commission also hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open any portion of the State's Offshore Waters or open any special seasons to harvest overwintering white shrimp in the State's Inshore Waters as indicated by technical data derived from the Department's ongoing shrimp monitoring program and upon approval by the Commission's Shrimp Committee.

Perry Gisclair  
Chairman

**An Overview of 1994-95 Hunting Season Results, Waterfowl and Deer** began with Mr. Hugh Bateman introducing Mr. David Moreland, Deer Study Leader. Mr. Moreland stated the deer hunting success for the Wildlife Management Areas was good this year with the harvest and hunter effort being about the same as last year. On Thistlewaite WMA, there were 13 bucks harvested that weighed over 200 pounds and the largest of these was a 289 pound 9-point deer. The overall archery season was slow beginning with a hot, humid October. The gun season was very productive in most areas with a lot of deer reported to score in the 120 to 150 class on the Boone and Crocket scale. Mr. Moreland then explained the one change in regulations which allowed the harvesting of one antlered buck and an antlerless deer each day of the season. The muzzleloader season was not good due to the weather. Chairman Gisclair asked how did the big deer taken this year compare to last year? Commissioner Schneider asked how old were the deer taken on Thistlewaite WMA this year? Mr. Bateman stated the interest in deer hunting probably has never been greater than right now. The Deer Management Assistance Program (DMAP) has been the single, biggest public relations tool that has been effectively used in demonstrating what a landowner can do to properly manage the land. Chairman Gisclair commended the Department on the deer program.

Mr. Bateman then asked Mr. Robert Helm to give an overview on the waterfowl season. Mr. Helm began stating 1994 was one of the best production years in the Prairie Canada and Northern United States. A regulation change that occurred was the addition of 10 days from 30 to 40 days with no change in the bag limit. Conditional approval was received from the Fish and Wildlife Service to use bismuth/tin shot for the taking of waterfowl. The weather affected the waterfowl season. Mr. Helm next discussed the good teal season and the hunting success in the different regions of the state. Commissioner Hanchey asked if the bismuth shot was more in line with the lead shot than the steel shot? Commissioner Schneider asked if anything could be done about the hyacinths in the Lake Maurepas and Pontchartrain Basin? Mr. Bateman reported they hoped to have good duck production again this next year. Chairman Gisclair stated the ducks were plentiful in his area and everyone there enjoyed the season.

**Rule Ratification on the State Wildlife and Paul J. Rainey Refuge Regulations** was presented by Mr. Johnnie Tarver. He reminded the Commissioners a Notice of Intent was promulgated at the October Meeting. There have been no public comments received and no changes have been made since the Notice of Intent. Commissioner Mialjevich asked if any public comments were received by the Department? Commissioner Cormier made a motion to accept the Rule as written. It was seconded by Commissioner Carver and approved unanimously.

(The full text of the Rule is made a part of the record.)

## **RULE**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission hereby adopts a rule establishing visitor regulations for State Wildlife Refuge and Paul J. Rainey Refuge of the National Audubon Society.

## **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part III. State Game and Fish Preserves and Sanctuaries**

#### **Chapter 3. Particular Game and Fish Preserves and Commissions**

#### **§323. State Wildlife and Paul J. Rainey Refuges**

##### **A. Visitor Regulations for State Wildlife Refuge**

1. Use of the refuge will be allowed from official sunrise to official sunset. This includes access routes through the refuge.

2. Overnight camping is prohibited.

3. Hunting, pursuing, killing, molesting or intentionally disturbing any type of wildlife by the public is prohibited. This does not prohibit the Department of Wildlife and Fisheries from carrying out harvest programs for certain types of wildlife as specified in the Deed of Donation.

4. Commercial and recreational trawling on the refuge is prohibited. Recreational trotlines, jug lines, trammel nets, gill nets, hoop nets and fish and crab traps are prohibited. All commercial fishing and use of any commercial fishing gear on the refuge is prohibited. Twenty-five pounds of shrimp (heads on) per boat or vehicle per day is allowed during the inside open shrimp season as established by the Wildlife and Fisheries Commission. Ten pounds of shrimp (heads on) for bait purposes may be caught during the closed season. Shrimp may be harvested only by cast net on the refuge and only for sport fishing or home consumption use. Containers are required to receive cast net catches to prevent littering and for safety purposes.

5. Crawfish may be harvested from the open portion of the refuge and 100 pounds per boat or vehicle is allowed per day. Set nets may be used but must be attended and removed from the refuge daily. No commercial harvest is allowed.

6. Crabs may be harvested from the open portion of the refuge; and 12 dozen crabs are allowed per boat or vehicle per day. A maximum of 12 crab nets are allowed per boat or vehicle. No commercial harvest is allowed.

7. Oysters may be harvested by tonging (properly licensed) or by hand collection from the natural reefs. One gallon per boat or vehicle per day is allowed and oysters must be opened at the reef and the shells returned to the reef. Taking of oysters on the reef is dependent upon Department of Health and Hospitals' approval and may be closed at any time by the Department of Wildlife and Fisheries.

8. The burning of the marsh by the public is prohibited. Water control structures shall not be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries.

9. Bringing firearms, bows and arrows, liquor and controlled dangerous substances (drugs) onto the refuge is prohibited. Personal companion animals (eg. dogs) are restricted to boats or vehicles unless prior approval is obtained from the refuge supervisor. Upon probable cause a violation has occurred, all boats and vehicles are subject to search by all authorized employees of the Department of Wildlife and Fisheries.

10. Speed boat racing, air boats, hover craft, jet skis, and water skiing are prohibited. All boat traffic shall honor no wake zones and shall keep wave wash to a minimum. Pulling boats over or around levees, dams or water control structures is prohibited. The Department of Wildlife and Fisheries may further restrict specified areas of the refuge from public access or use.

11. No litter is allowed. Visitors must remove their litter or place litter in appropriate litter disposal sites. Damage to or removal of trees, shrubs and wild plants without prior approval is prohibited.

12. Commercial fishing gear or trawls shall not be permitted in possession while participating in sport fishing on the refuge. Commercial fishing gear may be in possession for nonstop access directly across refuge or for safe harbor only.

13. Department officials and enforcement officers shall have the duty and the right to restrict access to the refuge, even for the purpose herein enumerated, whenever the circumstances exist that such access may impair the primary purpose of the refuge as a wildlife refuge and sanctuary.

14. Violation of any part of this subsection constitutes a class two violation.

B. Visitor Regulations for Paul J. Rainey Refuge of the National Audubon Society

1. All visitors must be accompanied by a representative of the National Audubon Society.

2. Trespassing, hunting, pursuing, killing, molesting, fishing or intentionally disturbing any type of wildlife by the public is prohibited. This does not prohibit the National Audubon Society from carrying out harvest programs for certain types of wildlife as specified in the Deed of Donation.

3. Possessing firearms, bows and arrows, liquor and controlled dangerous substances (drugs) on the refuge is prohibited.

4. Upon probable cause a violation has occurred, all boats and vehicles are subject to search by all authorized employees of the Department of Wildlife and Fisheries.

5. Department officials and enforcement officers shall have the duty and the right to restrict access to the refuge, even for the purpose herein enumerated, whenever the circumstances exist that such access may impair the primary purpose of the refuge as a wildlife refuge and sanctuary.

6. Violation of any part of this subsection constitutes a class two violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 et seq. and R.S. 56:763.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:, (February 1995).

Perry Gisclair  
Chairman

Chairman Gisclair asked Mr. Don Puckett to give a **Moratorium Update on Commercial Fishing License Sales & Possible Declaration of Emergency & Notice of Intent**. Mr. Puckett stated the Department received an opinion from the Attorney General's Office which allows the Commission to enact a moratorium on the sale of certain gear license. However, the Declaration of Emergency sent to the Attorney General did not contain enough information to justify it being done as an emergency. Commissioner Schneider asked if the APA process would take 120 days? Commissioner Mialjevich asked why could not the process be done as an emergency and why the speculation of the out-of-state fishermen coming into Louisiana to fish could not be used as imminent peril? Commissioner Schneider asked if the Department has the resources to develop an economic impact in case of an emergency and would the impact statement need

to be reviewed before an emergency rule was implemented? Commissioner Schneider read from the Attorney General's opinion that a Declaration of Emergency has to contain a Fiscal Impact Statement. Mr. Puckett felt the statement was incorrect. Commissioner Cormier asked for clarification on the 120 days on passing a non-emergency rule and would it give the same effect as an emergency rule? Commissioner Mialjevich made a motion to put a Notice of Intent into effect. After Mr. Puckett read the Notice of Intent, discussion followed on the exact wording for the Notice of Intent. Commissioner Mialjevich asked about the date for written comments on the Notice of Intent and would the appropriate date be put into the Notice? Mr. Puckett suggested listing a scheduled public hearing in the Notice of Intent. The motion was seconded by Commissioner Vujnovich and was unanimously approved.

(The full text of the Notice of Intent is made a part of the record.)

#### NOTICE OF INTENT

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to prohibit the issuance of additional 1995 gear licenses for saltwater gill nets, trammel nets or seines.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishing

#### §347. License Moratorium: Saltwater Gill Nets, Trammel Nets and Seines

No additional 1995 gear licenses for saltwater gill nets, trammel nets or seines shall be issued; provided, however, that the Department shall issue renewal licenses to those individuals, persons, firms or corporations who held valid licenses for the 1994 license year for the above enumerated gear.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:301.5.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21: .

The Commission will conduct public hearings at the April monthly meeting at 10:00 a.m. April 6, 1995 at the Louisiana

Department of Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, Louisiana and its May monthly meeting at 10:00 a.m., May 4, 1995 at the Peltier Hall, Nicholls State University, Thibodaux, Louisiana; and at 10:00 a.m. Tuesday, April 25, 1995 at the Louisiana Department of Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, Louisiana.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., May 5, 1995 to Joe L. Herring, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Perry Gisclair  
Chairman

**Civil Restitution and Class 1 Update** for the month of January was provided by Mrs. Wynnette Kees. During the month, 55 cases were assessed for a value of \$27,601 and payment was received on 52 cases which totaled \$12,414. Thirty-two notifications of disposition were mailed based on adjudication notices received from the Hearing Officer. Chairman Gisclair asked what was the time frame on the 52 outstanding cases? Commissioner Mialjevich asked if the Department received any money from fines imposed by judges in New Orleans?

**The Monthly Law Enforcement Report for January** was given by Lt. Col. Charlie Clark. The following numbers of citations were issued during the month of January.

Region I - Minden - 46 citations.

Region II - Monroe - 91 citations.

Region III - Alexandria - 52 citations.

Region IV - Ferriday - 84 citations.

Region V - Lake Charles - 83 citations.

Region VI - Opelousas - 196 citations.

Region VII - Baton Rouge - 142 citations.

Region VIII - New Orleans - 205 citations. Commissioner Mialjevich asked about the violations incurred by the trailer of catfish?

Region IX - Thibodaux - 134 citations.

Statewide Strike Force - 50 citations.

Oyster Strike Force - 37 citations.

Offshore Boats (SWEP) - 7 citations.

The grand total of citations issued statewide for the month of January was 1,040. Commissioner Vujnovich thanked the Enforcement Division for catching a violator that was on his lease.

The **Secretary's Report** to the Commission was given by Secretary Herring. The Louisiana Wildlife Federation would be holding its Annual Conference in Natchitoches February 18 and 19 and invited the Commissioners and public to attend.

A press conference and meeting with <sup>US</sup> Secretary of the Interior ~~Department~~ Bruce Babbitt was held on January 31. Also, the signing of a Memorandum of Understanding with the National Biological Services occurred at this meeting.

A publication was presented to the Commissioners on the Sport Fish Restoration Act which highlighted the projects in the southeast United States. In 1993, a John Breau Day was held which included field trips across the state showing Senator Breau the different projects.

International Paper Company and Georgia Pacific helped the Information and Education Division produce posters dealing with the safety of fishing and using hunter orange.

Progress was being made to restore the Beechwood Fish Hatchery. But a tornado went through the area and ripped some trees that fell into the restored ponds and would need to be replaced.

The zebra mussel has shown up in samples taken throughout the state. Secretary Herring stated the Department was unsure what could be done to control this exotic animal.

The program, Becoming An Outdoors Woman, would be holding two seminars this year, one in April and the second in the fall. The April seminar is already full with the Department turning back approximately 100 applicants. The total number of courses conducted by the Information & Education Division during January was 36 with 2,318 participating students.

The nutria program in New Orleans was really growing. The Fur & Refuge staff has been meeting and working with these people in trying to control this problem. The staff, in conducting their bald eagle surveys, found over 90 active nests. The Brown Pelican population was growing, with 12,000 fledglings being produced last year. Also last year, the Department petitioned for the Brown Pelican to be removed from the Endangered Species list.

In conclusion, Secretary Herring stated the staff attended 48 different meetings held during January.



**Consideration of Recision of January Election** began with Commissioner Schneider giving the Commissioners the opportunity to correct a mistake that he felt occurred at the January meeting. He then made a motion to rescind the January election. This was seconded by Commissioner Cormier. The motion failed with a vote of two to five. Secretary Herring gave each Commissioner a letter he wrote on the election.

**Notice of Intent to Amend By-Laws**<sup>Relative</sup> **to Term Limits** was presented by Mr. Don Puckett. He began explaining the procedure to amend the By-Laws and the two draft proposals. The proposals included the Election of Officers being held in January rather than December and <sup>additionally,</sup> a member that was Chairman one year can not succeed himself the following year. Mr. Puckett then stated he was suggesting a third proposal that dealt with putting items on the agenda. Commissioner Schneider stated there are times when a member wants an item on the agenda for informational purposes only and asked about that situation. Mr. Puckett then stated the item would be listed on the March agenda as Amendment of By-Laws.

Commissioner Cormier asked Mr. Puckett if the opinion he received from the Parliamentarian was not a valid opinion? Mr. Puckett stated he has not changed his view on that opinion.

Commissioner Schneider made a motion to hold the **June 1995 Meeting** on Thursday, June 1, 1995 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Vujnovich and passed with an objection from Commissioner Mialjevich.

Chairman Gisclair then asked for **Public Comments**. Commissioner Mialjevich asked to receive monthly updates on the saltwater license sales for gill nets, trammel nets and seines. Then he asked Mr. Bennie Fontenot if the list of recommendations for the Catfish Task Force would be available for the next meeting? Finally, Commissioner Mialjevich put everyone on notice that he may do something about catfish. Mr. Fred Prejean provided a list of license sales from the beginning of this current license year through January 1995 as compared with the last two license years.

There being no further business, Commissioner Cormier made a motion to **Adjourn** the meeting and was seconded by Commissioner Schneider.

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Joe L. Herring  
Secretary

JLH:sch

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

February 17, 1995

Honorable Samuel B. Nunez  
Senate President  
P.O. Box 94183  
State Capitol  
Baton Rouge, LA 70804

Honorable Joe McPherson  
Chairman of the Senate Committee  
on Natural Resources  
State Capitol  
Baton Rouge, LA 70804

Honorable John A. Alario, Jr.  
Speaker of the House  
P.O. Box 94062  
State Capitol  
Baton Rouge, LA 70804-9062

Honorable Sam A. Theriot  
Chairman of the House Committee  
on Natural Resources  
State Capitol  
Baton Rouge, LA 70804

Gentlemen:

In compliance with R.S. 56:6(27) and HCR 277 of the 1991 Regular Session of the Louisiana Legislature, enclosed you will find the Fourth Annual Report on the Status of Red Drum and the accompanying Resolution passed by the Louisiana Wildlife and Fisheries Commission at its February 9, 1995 meeting.

Thank you.

Sincerely,

A handwritten signature of Joe L. Herring in black ink, written over a circular stamp.

Joe L. Herring  
Secretary

JLH:sch

Enclosures

LA DEPARTMENT OF WILDLIFE AND FISHERIES

RECEIPT

DATE: February 20, 1995

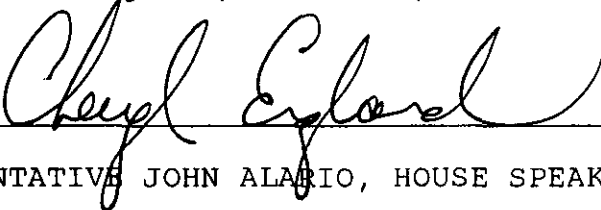
RECEIPT OF: 1995 RED DRUM REPORT

**SENATE PRESIDENT** (State Capitol/Senate Sub-Basement)

RECEIVED BY: 

FOR SENATOR SAMUEL NUNEZ, SENATE PRESIDENT

**HOUSE SPEAKER** (State Capitol/1st Floor)

RECEIVED BY: 

FOR REPRESENTATIVE JOHN ALARIO, HOUSE SPEAKER

**SENATE NATURAL RESOURCES COMMITTEE** (State Capitol/Senate Sub-Basement)

RECEIVED BY: 

FOR SENATOR JOE MCPHERSON, CHAIRMAN, SENATE NATURAL RESOURCES COMMITTEE

**HOUSE NATURAL RESOURCES COMMITTEE** (State Capitol/10th Floor)

RECEIVED BY: 

FOR REPRESENTATIVE SAM A. THERIOT, CHAIRMAN, HOUSE NATURAL RESOURCES COMMITTEE



Advocate staff photo by Michael Nultz

### Commercial cheers

An overflow crowd of commercial saltwater fishermen cheers the comments of a fellow commercial fisherman at Thursday's meeting of the Louisiana Wildlife and Fisheries Commission. Commercial fishermen wanted a commission recommendation for the first commercial season on redfish since 1987. The commission voted to retain gamefish status — recreational-catch only — for redfish for another year. Story, Page 1D.

## AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
February 9, 1995  
10:00 AM

1. Roll Call
2. Approval of Minutes of December 1, 1994 and January 5, 1995
3. Aircraft Report - Lee Caubarreaux
4. Overview of 1994-95 Hunting Season Results, Waterfowl and Deer - Hugh Bateman
5. Rule Ratification - State Wildlife and Paul J. Rainey  
Refuge Regulations - Johnnie Tarver
6. Consideration of Offshore Shrimp Closure - Brandt Savoie
7. Red Drum Report; Including Commission Recommendation to  
Legislature Regarding Gamefish Status - Harry Blanchet/  
Joey Shepard
8. Moratorium Update on Commercial Fishing License Sales &  
Possible Declaration of Emergency & Notice of Intent
9. Civil Restitution/Class 1 Update - Wynnette Kees
10. Enforcement Report/January - Winton Vidrine
11. Secretary's Report to the Commission - Joe Herring
12. Consideration of Recision of January Election
13. Notice of Intent to Amend By-Laws to Term Limits
14. Set June 1995 Meeting Date
15. Public Comments
16. Adjourn

~~March 1~~

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
February 9, 1995  
10:00 AM

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- ✓3. Aircraft Report - Lee Caubarreaux
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- ✓14. Set June 1995 Meeting Date
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- ✓16. Adjourn

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
February 9, 1995  
10:00 AM

*Chris Johnson*  
*897-6357*  
*Bill Culbreth*

1. Roll Call
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III - 510 →

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VI ~ 200

VI - 452

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

**RESOLUTION**

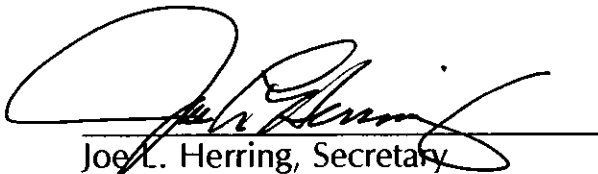
**WHEREAS,** It is the statutory duty of this Commission to make a recommendation to the Louisiana Legislature as to whether or not game fish status for red drum (*Sciaenops ocellatus*) should be continued, accompanied by a detailed explanation; and

**WHEREAS,** It is the opinion of this Commission that there is lack of sufficient biological and technical data to support the resumption of commercial harvest of redfish, including, but not limited to, offshore capture data; and


**WHEREAS,** There is no existing plan to cover harvesting or monitoring the commercial harvest; and

**WHEREAS,** No change in current regulations or harvest should be made prior to review by Gulf Council Stock Assessment Panel.

**THEREFORE, BE IT RESOLVED** for the above and foregoing detailed explanation, this Commission does hereby recommend to the Louisiana Legislature that game fish status for red drum (*Sciaenops ocellatus*) be continued.



Joe L. Herring, Secretary  
Louisiana Department of  
Wildlife and Fisheries



Perry Gisclair, Chairman  
Louisiana Wildlife and Fisheries  
Commission

February 9, 1995  
Date

February 9, 1995  
Date



NOTES

~~FAX~~

Rep. Ken Odinet

~~277~~  
(504) 277-5664

R.F. resolution

# IMPORTANT MESSAGE

FOR Don DATE 2/9 TIME 3:25 A.M. P.M.

M Larry Templeton

OF \_\_\_\_\_

PHONE \_\_\_\_\_

AREA CODE

NUMBER

EXTENSION

MESSAGE \_\_\_\_\_

PHONED

RETURNED  
YOUR CALL

☒ PLEASE CALL

WILL CALL  
AGAIN

CAME TO  
SEE YOU

WANTS TO  
SEE YOU

SIGNED \_\_\_\_\_

TOPS  FORM 4006

FAX TRANSMITTAL

TO: Rep. Ken Odinet

FAX# \_\_\_\_\_

FROM Don Puckett

RE: Resolution on Red Drum



DATE: 2/13/95

TIME SENT \_\_\_\_\_

FOR INFORMATION CALL (504) 765- 2806

OUR FAX # (504) 765-2607

PAGES TO FOLLOW 1

Comments Received on:

Fourth Annual Report  
on the Status of Red Drum

With LDWF Responses

1. **Determination of escapement age (DV), evaluation of variability in parameters (adequacy of data, use of stochastic vs. deterministic models) (HO, RC, TH) not presented in report.**

The definition of escapement, which is the number of fish surviving to age-4, is the same as was used in the NMFS stock assessment. Evaluation of variability of parameters in the assessment are useful in any assessment. It is first necessary to have some good estimates of the probability distributions of all of the input parameters involved in the analysis, so that realistic estimates of the distributions of the output parameters are provided. To date, no stochastic stock assessments have been done for red drum, and the data required to complete such evaluations may not be readily available.

2. **Reviewer had different understanding of SSBR. (MM, DV)**

The definitions of SSBR and SPR have varied between fisheries, and between operations within some fisheries. The definitions used in this report are, to the best of our ability to define them, consistent with the standards used in prior red drum stock assessments.

3. **Urge caution in action to increase harvest. (HO, RS, PG, RC, CW)**

We agree. We continue to recommend that any changes in regulations should not allow the fishery to absorb all of the escapement above the conservation standard at one time. That level of fishing mortality should be approached incrementally (cautiously), and any modifications in fishing regulations should remain consistent for a period of at least 3-5 years, so that the results of regulatory changes may be assessed with respect to the status of the stock.

4. **Cooperative management of red drum. (LS)**

The Department recognizes the necessity of maintaining cooperation with other Gulf states and the Gulf of Mexico Fishery Management Council in the management of the red drum resource. The conservation standard discussed in the report, and recommended for the State of Louisiana, is the standard recommended by the Gulf Council for management of the red drum stock.

**5. Relaxation of harvest regulations is premature. (RS, RC)**

While the report did not specifically recommend relaxation of harvest regulations, it did recognize that at the present time, escapement from Louisiana waters exceeds the conservation standard. This standard was established to provide a stock in offshore waters sufficient to maintain recruitment to Gulf estuaries.

Some other gulf states are also presently evaluating modifications in their harvest regulations, which may increase harvest to some degree in some of those states.

One reviewer erred- in equating conservation measures and conservation standards. We do not advocate any measures which would conflict with standards set for a species. Existing standards are set in the context of an overfishing definition, and should not be exceeded. Regulations which constrain harvest within those standards may be varied without violating those standards.

**6. Cooperative management of red drum. (RS, LS)**

The Department recognizes the necessity of maintaining cooperation with other gulf states and the Gulf of Mexico Fishery Management Council in the management of the red drum resource. The conservation standard discussed in the report, and recommended for the State of Louisiana, is the standard recommended by the Gulf Council for management of the red drum stock by the various States.

**7. Little information in document to evaluate appropriateness of VPA. (DV, TH) Little information in document to evaluate methodology. (HO, RS) Insufficient detail in report to assess accuracy of estimates or forecasts. (PG, MM, TH)**

We agree. The existing document was intended to provide the Commission with the information necessary to fulfil their statutory obligation under La. R.S.56:6(27) and HCR 277 (1991 Regular Session). As such, it was not amenable to extensive analyses. The Louisiana Red Drum FMP stock assessment will be updated with information including that in the present report, with the intent of providing stock assessment specialists with the data required for them to critically review the procedures and results of that report. It should be noted, however, that much of the data and description of techniques used in this report were presented in the original (1991) Department stock assessment, and that assessment was extensively distributed for review. Also, the results of the 1993 assessment had been reviewed by the GMFMC Stock Assessment Panel and incorporated into their 1993 report to the Council. The NMFS 1993 stock assessment also demonstrated a similar trend of increasing spawning stock size for the Gulf as the LDWF report provided for the Louisiana stock.

**8. Decisionmakers need more information on social and economic impacts of regulation changes. (HO)**

We agree. The existing document was intended to provide the Commission with the information necessary to fulfil their statutory obligation under La. R.S.56:6(27) and HCR 277 (1991 Regular Session). Such data was not specifically required under these charges, and thus was not included.

**9 . VPA should use tuning or calibration methods. (TH)**

We agree, and we do. The existing analysis incorporates fishery-independent trammel net sample data as a calibration for recruitment estimates.

**10. Density-dependent changes in growth, natural mortality, maturity at age may occur, as well as inter- and intra-specific competition for prey. (TH)**

Data is not presently available to evaluate many of the possible changes postulated. The impact of any of these changes on fishing mortality rates at age, the basis of the present assessment, is unclear.

**11. Uncertainty in status of stock not resolved in report. (MM-94)**

As noted in the report, additional purse seine data was available to confirm some prior analyses, and the results of the prior assessment had been reviewed by the GMFMC Stock Assessment Panel. Also, the NMFS 1993 stock assessment demonstrated a similar trend of increasing spawning stock size for the Gulf as the LDWF report provided for the Louisiana stock.

**12. Conclusions seem consistent with NMFS 1993 report. (MM-94)  
Escapement similar to recent Florida assessment (LS)**

No comment required

**13. Comment on opportunity for offshore age structure study (CW, LS) Do not have a clear understanding of the current offshore age structure. (RC)**

The Department has continuously recommended a repeat of the 1986 assessment of the size of the offshore stock of red drum. We have also been aware of shortcomings of the existing dataset, and have utilized that data with this understanding. That is one of the reasons that two scenarios are utilized in the present assessment.

The 1991-92 samples on which the assessment Scenario 1 was based consist of a larger number of fish than was obtained in other recent years. While some uncertainty does exist, and the Department has noted since 1989 that distribution of ages within a school of fish is not equivalent to a random subsample of the population, the estimates from Scenario 1 are reinforced by the results of Scenario 2, which does not rely on the purse seine data, but provides similar results.

14. **Comment on high recruitment levels at recent low SSBR (MM-94, CW)**

While this may be significant, the data to completely define the factors which provide differing levels of recruitment to the inshore fishery are still not defined. Some work toward this end was attempted by Dr. Dan Beckman, as part of his thesis, but he was not able to conclusively identify factors responsible.

15. **Mississippi seine and gill net sampling data provided for comparison. (JW)**

no comment necessary

16. **20% SPR is overfishing threshold, and not appropriate goal for management. (PG)**

As noted by the reviewer, other management goals have not been set. Analyses of conservation standards was not within the charge of the Department for this report, as noted in #6, above.

17. (Last) **-Various and sundry comments on the excellent writing, usefulness and clarity of the document (PG, MM, TH, CW) and the expertise of the staff. (RS)**

We agree and applaud the commentators on their perspicacity.

Commentors:

RC - Dr. Richard Condrey, LSU Coastal Fisheries  
Assoc. Prof. (GMFMC RD-SAP Chair)  
TH- Dr. Thomas E. Helser, NMFS Woods Hole Lab  
stock assessment specialist  
MM - Mr. Michael D. Murphy, Fl. Mar. Res. Inst.  
Research Scientist  
(incl. and referenced his '94 comments)  
HO - Mr. Hal Osburn, Texas Parks & Wildl. Dept.  
Coastal Fisheries Policy Director  
PG - Dr. Phil Goodyear, NMFS Miami Lab.  
stock assessment specialist  
LS - Mr. Larry Simpson, Gulf St. Mar. Fish. Comm.  
Ex. Dir.  
RS - Dr. Robert Shipp, University of South Alabama  
Chair, Dept. of Mar. Sci.  
DV - Dr. Doug Vaughn, NMFS Beaufort Lab  
stock assessment specialist  
JW - Mr. James Warren, Gulf Coast Research Lab, MS  
Fisheries Biologist  
CW - Dr. Chuck Wilson, LSU Coastal Fisheries Inst.  
Assoc. Prof.



# **FOURTH ANNUAL REPORT ON THE STATUS OF RED DRUM**

**prepared for**

**Louisiana Wildlife and Fisheries Commission  
Baton Rouge, Louisiana  
Perry Gislair, Chairman**

**by**

**Louisiana Department of Wildlife and Fisheries  
Marine Fisheries Division  
2000 Quail Drive  
Baton Rouge, Louisiana**

**February 9, 1995**

**LDWF - Red Drum 1995**

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## DEFINITIONS

Note: Some definitions are taken from Roberts et al. (1991).

**Catch** - The total number or pounds of fish captured from an area over a period of time. This includes fish that are caught but released or discarded instead of landed. The catch may take place in an area different from where the fish are landed.

**Cohort** - A group of fish spawned during a given period, usually within a year.

**Escapement** - A measure of the intensity of fishing on the inshore population of red drum. It is the ratio, expressed as a percent, of the number of fish present at age 4, compared to the number which would be present if there was no fishery. Escapement is calculated on a fishing year basis - that is, what the escapement would be if the fishing mortality rates for a given year do not change throughout the inshore life span of the fish. This methodology is used in both the NMFS and LDWF assessments.

**Fishing mortality rates** - A measurement of the rate of removal of fish from a population by fishing. Fishing mortality can be reported as either annual or instantaneous. Annual mortality is the percentage of fish dying in one year. Instantaneous mortality is the rate at which fish die at any one time. The acceptable rates of fishing mortality may vary from species to species.

**Fishing year** - An arbitrary 12-month period, beginning at the approximate average birth date of a cohort. For this assessment, a fishing year begins September 1 and runs through August 31 of the following year.

**GMFMC** - Gulf of Mexico Fishery Management Council. An agency, established by the federal Magnuson Fishery Conservation and Management Act, which is charged with managing fisheries in the federal Exclusive Economic Zone (EEZ) of the Gulf of Mexico.

**Harvest** - The total number or pounds of fish caught and kept from an area over a period of time. Note that landings, catch, and harvest are different.

**NMFS** - National Marine Fisheries Service. A branch of the Federal Government, within the National Oceanic and Atmospheric Administration, Department of Commerce, responsible for managing fisheries in concert with the Councils established under the Magnuson Act.

**MRFSS** - Marine Recreational Fishery Statistics Survey. A national survey of marine recreational fishing activities beginning in 1979 that estimates angler harvest and catch on an annual basis, including annual estimates for Louisiana.

**SAP** - Stock Assessment Panel. A technical committee of the GMFMC, charged with reviewing stock assessments of fish under the charge of the Council.

**SPR** - Spawning Potential Ratio. The ratio of the estimated egg producing ability of all the mature fish in a fished stock to the egg-producing ability that would exist if the stock were unfished.

**SSBR** - Spawning Stock Biomass per Recruit. As used in this report, the ratio of the total weight of mature fish in a fished stock to the total weight that would exist if the stock were unfished.

**VPA** - Virtual Population Analysis. A type of analysis that uses the number of fish harvested at various ages and an estimate of natural mortality to estimate fishing mortality for a cohort. It also provides an estimate of the number of fish in a cohort alive at various ages

**Year-class** - The fish spawned and hatched in a given year, a "generation" of fish. For red drum, this is synonymous with "cohort."

## INTRODUCTION

The Louisiana Wildlife and Fisheries Commission in accordance with R.S.56:6(27) and HCR 277 of the 1991 Regular Session of the Louisiana Legislature is required to prepare an annual report to the Legislature on red drum. The statute and HCR require the Commission to address three separate issues as follows:

- 1) Biological condition, profile and stock assessment
- 2) Total allowable catch with probable allocation scenarios
- 3) Detailed explanation of whether or not gamefish status should be continued.

This document is the fourth annual report prepared by the Louisiana Department of Wildlife and Fisheries to provide the Commission with the information needed to fulfill their obligation as stated above. This report addresses each issue individually and uses the best data available to the Department at this time. Prior reports were circulated to the GMFMC Red Drum SAP, other Gulf State fishery management agencies, and the NMFS Regional Director. Their comments were incorporated into later documents.

## PROFILE, STOCK ASSESSMENT AND BIOLOGICAL CONDITION

A detailed profile and stock assessment document entitled "A Profile and Stock Assessment for Red Drum Sciaenops ocellatus, in Louisiana" was prepared by the Department in May, 1991 and presented to both the Commission and the Louisiana Legislature. This report updates that

document and the three prior annual reports to the Commission (LDWF 1992, 1993, 1994) with additional data.

## Biological Profile

The basic biological profile of the species was described in the draft "Biological and Fishery Profile of the Red Drum in Louisiana" (Hoese et al. 1991). Further studies have become available since that time, and have been summarized in prior reports. Little additional bioprofile information has become available since the last report. Wilson and Nieland (1994) compiled and published much of the information on the reproductive biology of red drum from the northern Gulf of Mexico. However, the material in their publication was drawn from ongoing studies that were incorporated into prior reports (Hoese et al. 1991; LDWF 1991, 1992, 1993, 1994). Gold and Richardson (1994) found that red drum from the Mosquito Lagoon on the east coast of Florida were genetically differentiated from red drum from the Gulf of Mexico and from North and South Carolina. The authors had previously reported high levels of gene flow for red drum within the Gulf, indicating a single Gulf-wide population (Gold et al. 1993). The authors suggested that differentiation in this case was due to geographic isolation of the Mosquito Lagoon population for a period of about 1,500 years.

The Florida Department of Environmental Protection (Murphy 1994) completed a stock assessment that estimated fishing mortality rates and escapement in Florida waters and demonstrated the effectiveness of regulations in reducing fishing mortality rates in recent years. Equilibrium

SPR in the Florida fishery had been estimated as less than 5% for the early 1980's (Murphy, 1984), and 24-43% in 1987-88 (Murphy et al., 1989). Florida's assessment reports that escapement averaged 63-71% during the early 1990's. Their report also estimated movement from estuarine waters based on tag returns. Estimates of movement off the fishing grounds for the Atlantic coast were about 20% for age-2 and 40% for age-3 fish. About 45% of the age-2 fish, and about 65% of age-3 fish left the fishing grounds on the Gulf coast during 1989-93. This means that some fish as young as age-2 are not available to the inshore fishery. This information corroborates the information of Wilson et al. (1993), which demonstrated the occurrence of young (age 2-3) fish offshore.

Data on recruitment of juveniles into the Louisiana estuaries are annually developed by the Department's Finfish Monitoring Program (Figure 1). Initial estimates of recruitment for young-of-the-year juveniles 1-4 inches long are provided each fall by seine samples. Trammel nets are used to sample juveniles just over one year old (12-18 inches TL), which is near the time they enter the recreational fishery under current minimum length restrictions. These independent estimates have historically been well correlated with recreational harvest of age-1 fish (Figure 2).

During recent years (1991-1993 cohorts) trammel net estimates have been higher than would be expected from the seine index values (Figure 1). Comparing cohorts where both indices have been measured, seine samples indicated above-average cohorts in 1987, 1990 and 1993, with 1990 having the highest index. The 1989 cohort seine index was low, as was the 1992 index. Trammel

sample indices provide relatively strong indices for the 1987, 1990 and 1993 cohorts, and a low index value for the 1989 cohort. Trammel indices for the 1991 through 1993 cohorts indicate higher cohort strength than the seine samples. This may have been due to increased survival over the mild winters of these years, or due to normal variation between sampling regimes. Data on recreational red drum harvest indicates that trammel net samples accurately estimated the catch of age-1 fish for cohorts between 1987 and 1992. We place more confidence in the trammel net samples as an index of fish recruiting to the fishery, as these samples are temporally closer to the size where they become legally available to the recreational fishery and the indices also show good correlation with recreational harvest of age-1 fish.

Seine samples from the fall of 1993 provided the first estimate of the 1993 year-class strength. Data from these samples suggest higher recruitment of early juveniles into the marshes than was noted in 1992. Trammel net indices from the fall of 1994 were very high (Figure 1), indicating another strong year-class recruiting to the fishery in 1994-95. The catch/effort estimates of this cohort were influenced by very high catches in some samples. The data were log-transformed to address any bias on the index from these samples. The effect of this transformation is also presented in Figure 1. The major influence of the log transformation is on the index for the 1993 cohort, which remains high, but after the transformation is estimated to be on the order of abundance of the 1990 cohort.

Initial estimates of the 1994 cohort strength, based on seine samples, indicate a

cohort with indices very similar to the 1987, 1991 and 1993 cohorts. As always, these data must be viewed with caution, as other factors such as salinity or temperature regimes could influence year-class strength prior to recruitment to the fishery in 1995-96.

Analyses of the indices discussed above consistently correlated well with catch at age-1 fish in the recreational fishery. At the present time (February, 1995), four strong cohorts (1990 through 1993) are available to the fishery. As a result, recent harvest levels of red drum are much higher than those seen in the prior years under the existing regulations. In the absence of additional strong cohorts, it is to be expected that recreational harvest levels will be reduced to levels similar to those seen between 1988-91. Because of the present abundance of red drum, any unit of fishing effort will result in a higher harvest than in a typical year. However, this does not imply that fishing mortality rates are changing.

### **Stock Assessment**

Prior to the Department's development of an assessment of Louisiana's red drum stock (LDWF 1991), the most recent assessment for red drum was a gulf-wide assessment provided by Goodyear (1989). The data summaries for this assessment were updated (Goodyear 1990, 1991). Goodyear's 1989 assessment is based on the assumption that the offshore purse seine data accurately represents the offshore age structure. His interpretation of the results was that a significant decline in recruitment to the offshore population occurred in the mid 1970's. He was unable to fully explain the cause of this decline but did in part attribute it to increased harvest levels of juvenile red drum during the mid to late 70's in

estuarine or inshore areas. His assessment was similar in concept to the first scenario of the Department's analysis.

An update of the NMFS gulf-wide assessment was developed in early 1993 (Goodyear 1993) and included a VPA tuned with fishery-independent indices of abundance. Goodyear's (1993) estimates of spawning stock in 1979 were calculated by assuming that pre-1979 fishing mortality rates were equal to those operating in 1979-83. Under this assumption, the SPR in 1980 was 8%, and decreased to a low of 4% in 1990. He notes that this analysis may be very conservative, depending on the cause of the deviation between estimates of spawning stock size produced by the VPA analysis and estimates of the spawning stock from Nichols (1988) tagging study.

Over the last four years, the Department has annually updated its original 1991 stock assessment on red drum (LDWF 1991) and has provided reports on the results (LDWF 1992, 1993, 1994). These assessments use all data currently available to the Department to provide the most up-to-date and accurate estimates of fishing mortality, escapement rates, and SPR for Louisiana.

The present assessment utilizes recreational harvest data through August, 1994. This provides two additional years of harvest data which were not included in last year's report.

Fishery-independent seine and trammel net indices include data through December, 1994. Seine indices therefore provide initial measures of the 1994 cohort strength, while trammel net samples provide later measures of the 1993 cohort.

All analyses in this and all other Department assessments are based on a fishing year of September of one year, through August of the following year, since this coincides with fishing activities for the species, and nearly coincides with the onset of spawning. These "Fishing Years" are designated as the beginning calendar year (e.g., 1991 for fishing year 1991-92).

### Assessment Methodology

Two scenarios are provided in the present report, as has been done for prior reports. The evolution of procedures and analyses within these two scenarios was reviewed in detail in last year's report.

Methodology employed here is identical to last year (LDWF 1994). Departmental trammel net samples are used as an index to estimate annual recruitment to age-1 between 1987-93.

Both scenarios are age-structured analyses, but differ in the initial assumptions regarding the age structure of the offshore population. Scenario 1 continues to rely on the validity of the purse seine age structure data as being an unbiased representation of the age structure of the adult population. Scenario 2 continues to be a typical age-structured virtual population analysis (VPA) that is independent of the purse seine age frequency data.

The VPA analyses provide estimates of recruitment and fishing mortality rates by age for each fishing year. These rates were used to calculate dynamic SPR and equilibrium escapement rates for each fishing year.

### **Biological Condition (Status of the Stock)**

Figure 3 provides estimates of cumulative fishing mortality rates to age-4 by year for both scenarios. The escapement rates at age-4 that are equivalent to these cumulative fishing mortality rates are provided for each scenario in Figure 4.

The current status of the stock is based on the projected impact of the mean of 1989-90 through 1993-94 (post-regulation) fishing levels (fishing mortality rates) on spawning stock biomass per recruit (SSBR) and spawning potential ratio (SPR) through the year 2000. The results are depicted in Figures 5 and 6. The simulations under Scenarios 1 and 2 indicate that under these fishing mortality rates, spawning stock biomass per recruit will increase over time, and that 1995 levels of SSBR are above 40% and of SPR are above 35%. Goodyear's (1993) gulf-wide stock assessment has estimated that an SPR of 20% will be reached at or before 1997. The uncertainty in the actual year that 20% will be reached is due to the uncertainty in the magnitude of the current spawning biomass. Goodyear's (1993) assessment was unable to resolve the difference in his estimated adult biomass and a higher estimate provided by the NMFS tagging study conducted in 1986 (Nichols 1988). The implication of the discrepancy is that 20% may be reached prior to 1997 but will be reached by 1997. At the point that 20% SPR is reached, the federally managed stock will no longer be overfished by definition.

The Department, after a thorough review of available data on red drum, feels that the results of this (1995) assessment and simulations of future conditions best describes the status of the red drum stock in Louisiana.

It should be noted that the Gulf-wide assessment prepared by Goodyear (1993) describes the status of the stock for the entire Gulf and that the Department's assessment best describes that portion off Louisiana's coast. The results of the assessments do not necessarily have to match, but increasing rates of escapement from Louisiana should be indicated in the Gulf-wide assessment.

The 1993 NMFS gulf-wide assessment reflects a rapid rate of increase in SPR which is similar to the Department's estimates. Goodyear (pers. comm., 2/1/94) noted that his (1989) assessment hypothesized that inshore recruitment may have declined in the mid-1970's as a result of declines in the adult stock size. If so, then increases in the size of the adult stock should bring about increases in average annual recruitment of juveniles. This should result in inshore recruitment levels exceeding the pre-1990 levels if the spawning stock is permitted to rebuild. However, he also notes that data are insufficient to conclude that recruitment overfishing did occur. It is reassuring to us that levels of recruitment since 1990 have been the highest observed since 1986 even though estimates of spawning stock biomass that produced those levels were near or at their historic minimum. This implies that either spawning stock biomass was not as low as Scenario 1 predicts or 20% SPR is not the minimum threshold for recruitment overfishing or that there is very significant variation in recruitment at existing levels of SPR. There continues to be substantial evidence that adequate spawning biomass exists to produce high levels of recruitment and that the spawning stock biomass is continuing to increase at a rapid rate.

This assessment estimates the impact of current regulations in terms of fishing

mortality rates (Figure 3). The fishing mortality rates resulting from current regulations have been very stable and appear to provide more than adequate survival to maintain and further build the spawning biomass (Figures 5 and 6). This is confirmed by data on the age frequencies of the adult offshore population (Wilson et al. 1993 and pers. comm.). In 1991-92, the most recent offshore age structure data, the population was dominated by younger fish (76% of the population sampled), indicating a significant increase in rates of escapement from the inshore juvenile population under current regulations. Based on this biological assessment, as well as a review of Goodyear's 1993 gulf-wide assessment and the GMFMC's 1993 SAP report, fishing mortality rates can be increased, so long as the conservation standard of 30% escapement ( $\approx 20\%$  SPR) is maintained. For this report, surplus escapement is defined as the difference between current escapement levels of 65-80% (mean = 70%) and the conservation standard of 30%. We recommend that any regulatory changes that will increase fishing mortality rates be incremental and that the fishery not be permitted to absorb all of the surplus escapement at one time. This strategy would allow evaluation of the effects of each modification, so that the conservation standard would not be inadvertently overshoot by unforeseen changes in the fisheries, which might affect fishing mortality rates.

As in prior reports, we continue to recommend that research be conducted to provide estimates of the current size and age structure of the offshore spawning stock. This research would provide a fishery-independent method for verifying the changes in fishing mortality rates resulting from current regulations.



## **TOTAL ALLOWABLE HARVEST WITH PROBABLE ALLOCATION SCENARIOS**

The intent of this section is to provide guidance as to the allowable harvest and provide a range of possible allocation options.

The GMFMC adopted 20% SPR as the conservation standard for the red drum stocks of the Gulf of Mexico, and requested the States to enact rules to provide for 30% escapement to offshore waters, in order to achieve this standard.

Results of this assessment indicate that current SPR for red drum off Louisiana is well above 20%. Additionally, escapement rates under current regulations (65-80%) are well above the 30% standard. Under current regulations there is some surplus escapement to the offshore spawning stock. This surplus, if not utilized by the Louisiana fishery, will continue to contribute to a building of the offshore spawning stock.

The present assessment indicates that fishing mortality rates may be increased to a point not to exceed the established conservation standard of 30% escapement. However, if changes in regulations occur, we suggest that they provide an incremental increase in fishing mortality rates and that regulations not be further changed for a period of 3 to 5 years. This would allow the Department to better monitor the impact of the fishery resulting from regulatory changes, and minimizes the risk of overshooting the target fishing mortality rates. Regulations could then be adjusted accordingly in the future to move gradually to a level of 30% rather than attempting to absorb all surplus escapement with a single regulatory change.

There are an infinite number of probable allocation scenarios, depending on the availability of suitable data and the method used to regulate the recreational fishery or a potential commercial fishery. The allocation scenarios presented here are intended only to provide guidance in estimating the impact of varying the recreational bag limit and varying a potential commercial quota. There is little difference between the two assessment scenarios in terms of fishing mortality rates, therefore there is little difference between scenarios with respect to allowable harvest or allocation options at any level of escapement. A range of options is only presented for Assessment Scenario 1 to avoid redundancy. Allocation options projected to achieve different levels of escapement are provided as follows: 30% escapement in Figures 7 and 8, 40% in Figures 9 and 10, 50% in Figures 11 and 12, and 60% in Figures 13-14. A summary of some of these options is also provided in Table 1. While 30% escapement is the conservation standard, we noted above that there is some benefit to approaching the target escapement rate incrementally. We have presented allocation options at other escapement rates to provide some perspective as to the differences that this criterion would have on potential harvest. The allocation options are constrained by escapement and based on no size limit change in the recreational fishery, and an 18-27 inch size limit in the commercial fishery. The 18-inch minimum size limit was in effect when the commercial fishery was closed. Any change in size limits from those mentioned above would require further simulation.

For any selected level of escapement, annual variations in recruitment will affect allowable harvest. Years of high recruitment would provide higher than average allowable

harvest, and vice versa. It should be noted that in order to be conservative, the simulations presented here are based on recruitment being the average of 1972-89. High levels of recruitment after 1989 are assumed not to reflect average conditions and are not part of the estimates.

Any significant build-up of the spawning stock ( $SPR > 20\%$ ) in the Gulf of Mexico may result in the re-opening of the red drum fishery in the Federal Exclusive Economic Zone (EEZ) under the GMFMC red drum FMP. However, this fishery is beyond the scope of Louisiana State regulations, and thus these scenarios are not considered here.

the present or future condition of Louisiana's red drum stock.

## **GAMEFISH STATUS**

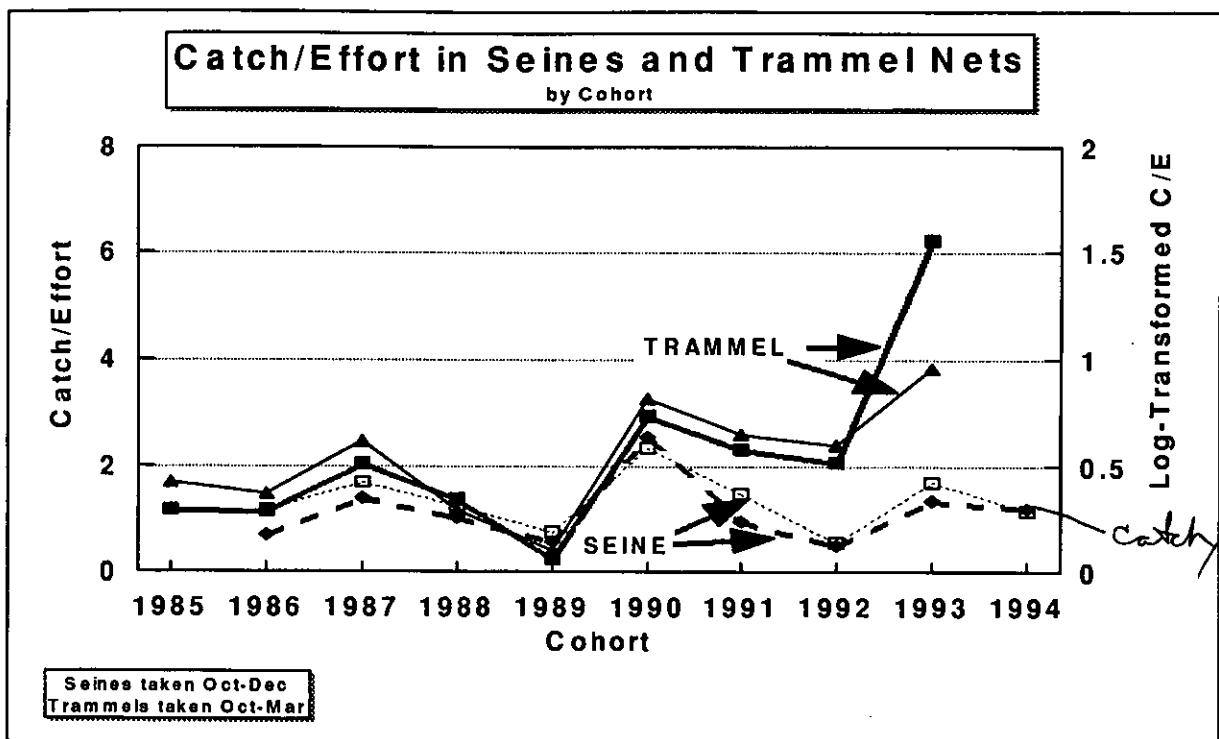
The designation of "gamefish" as it relates to the current status of red drum is of little biological utility, but rather a social or political approach to the allocation aspect of management. Biologically, it does not matter how a fish is harvested. The biological integrity of a fish resource is influenced by the total number of fish harvested and the sizes (or ages) at which they are harvested. Size limits, bag limits and quotas are examples of biological tools typically used to control harvest and protect the biological integrity of a fish resource. Gamefish status in and of itself does little to control total harvest or protect the biological integrity of the red drum stock, since it does not control the amount of effort expended or restrict the amount of time a fish is in the fishery.

We are not in a position to address non-biological aspects of gamefish; rather, simply to state that biologically, gamefish status is of little consequence as it relates to

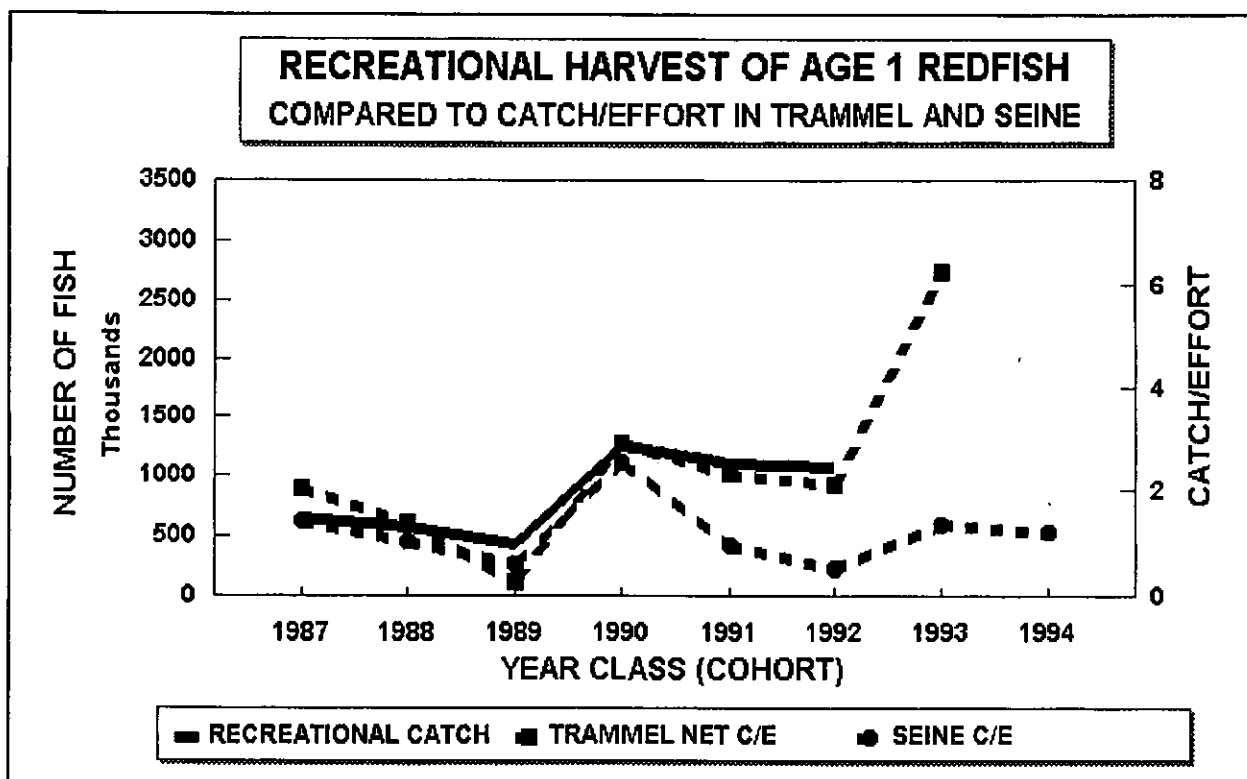
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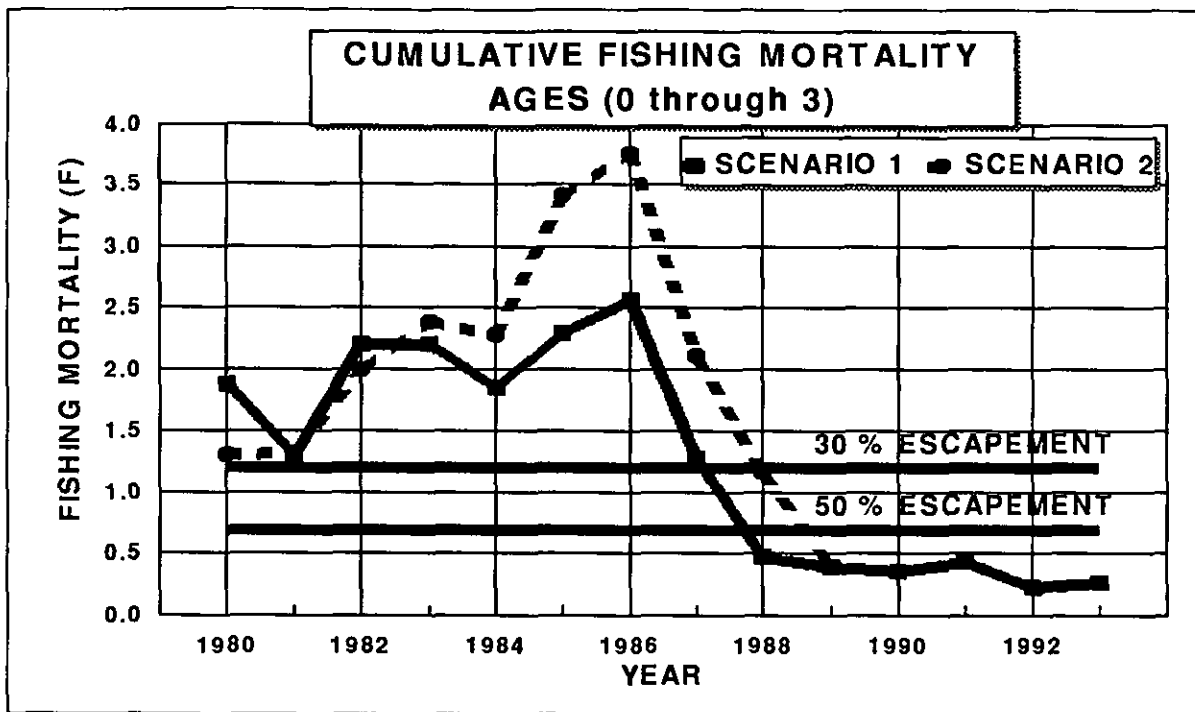
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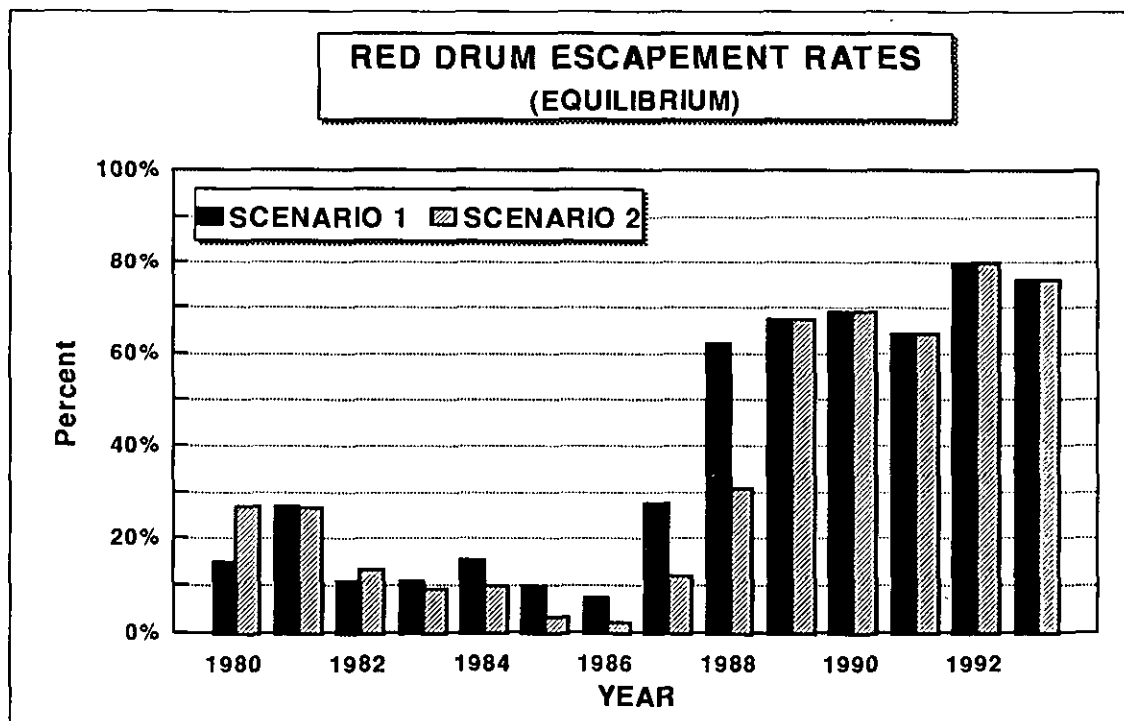
**Figure 1** Mean catch per effort of red drum in LDWF seine and trammel net monitoring samples. Bold lines are arithmetic means of the catch per effort, while narrow lines are log-transformed means.



**Figure 2.** Recreational harvest of age 1 red drum by cohort compared to the LDWF seine and trammel net catch/effort indices for those cohorts.



**Figure 3.** Cumulative fishing mortality rates by year, with the cumulative rates which would provide 30% escapement and 50% escapement. Rates less than these provide greater escapement, while rates higher than these provide less.



**Figure 4.** Escapement rates by year, for each scenario. These rates are calculated using the fishing mortality rates estimated for that fishing year.

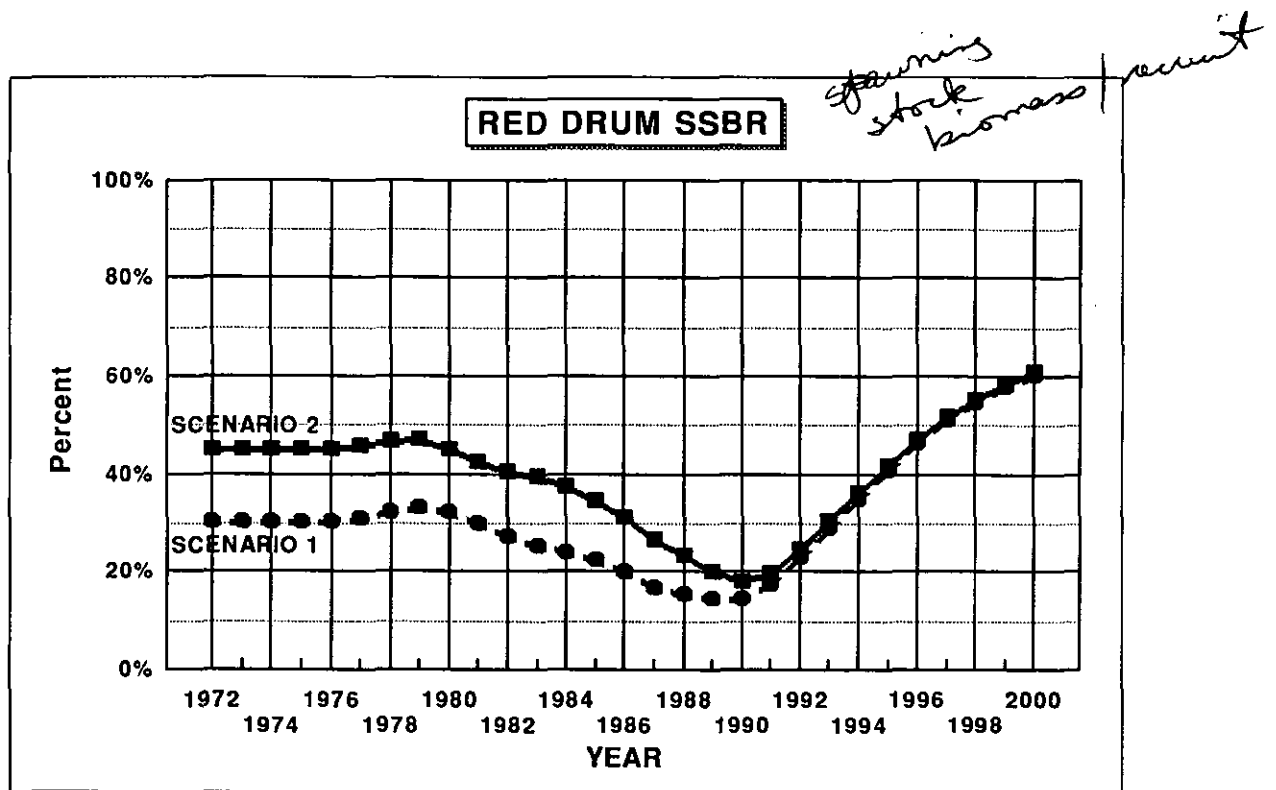


Figure 5. Annual estimates of SSBR over time, based on each scenario.

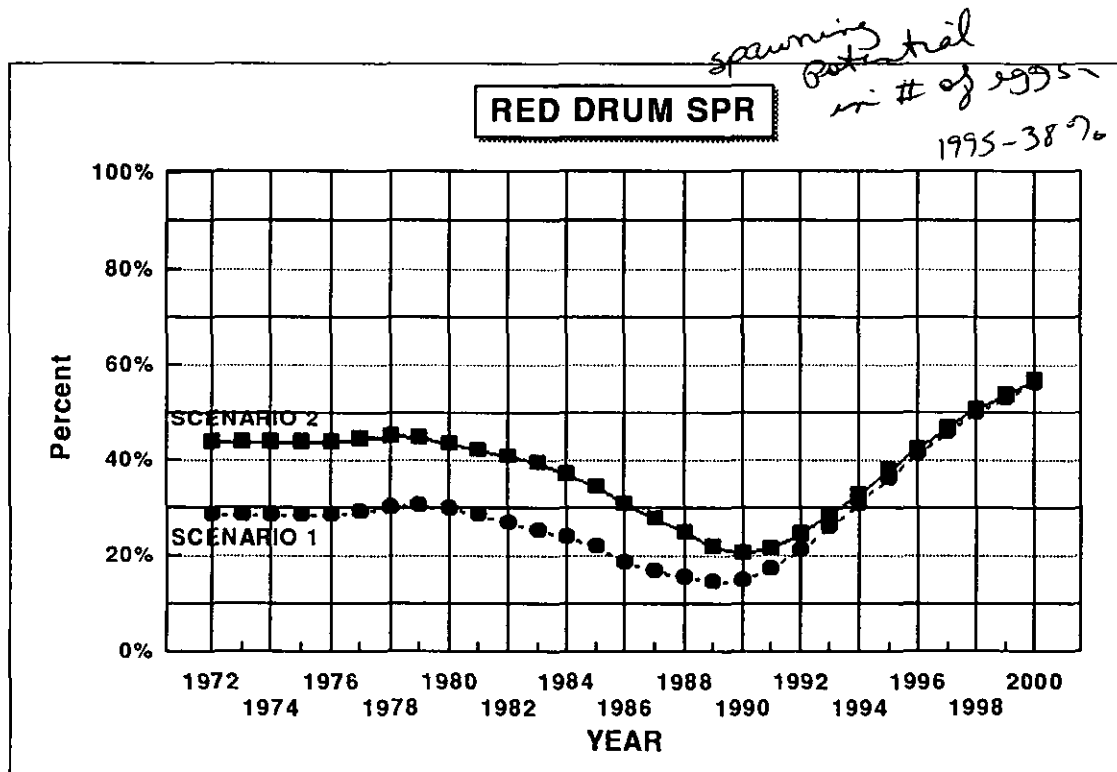
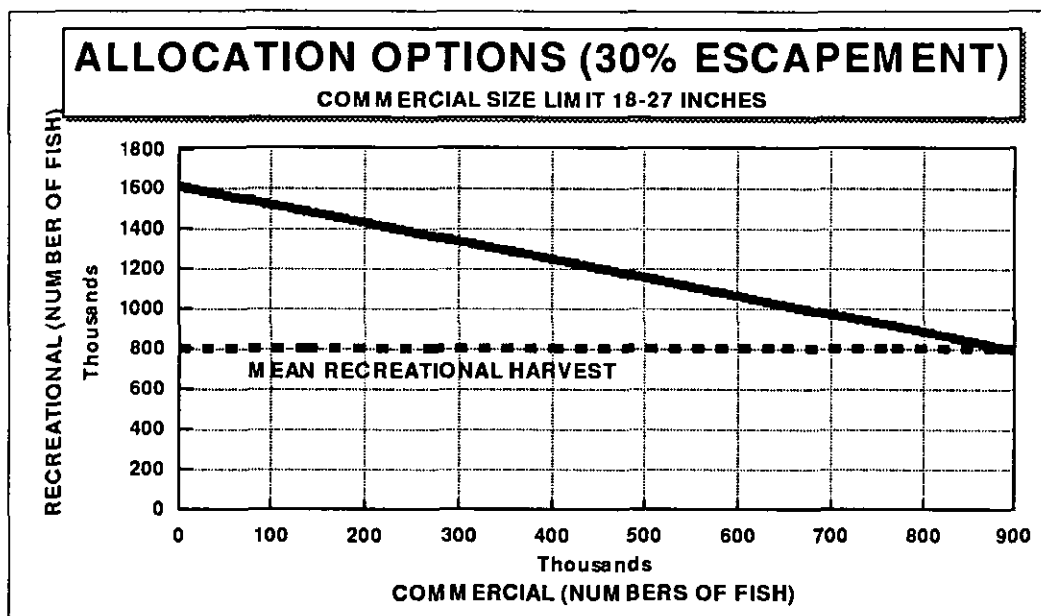
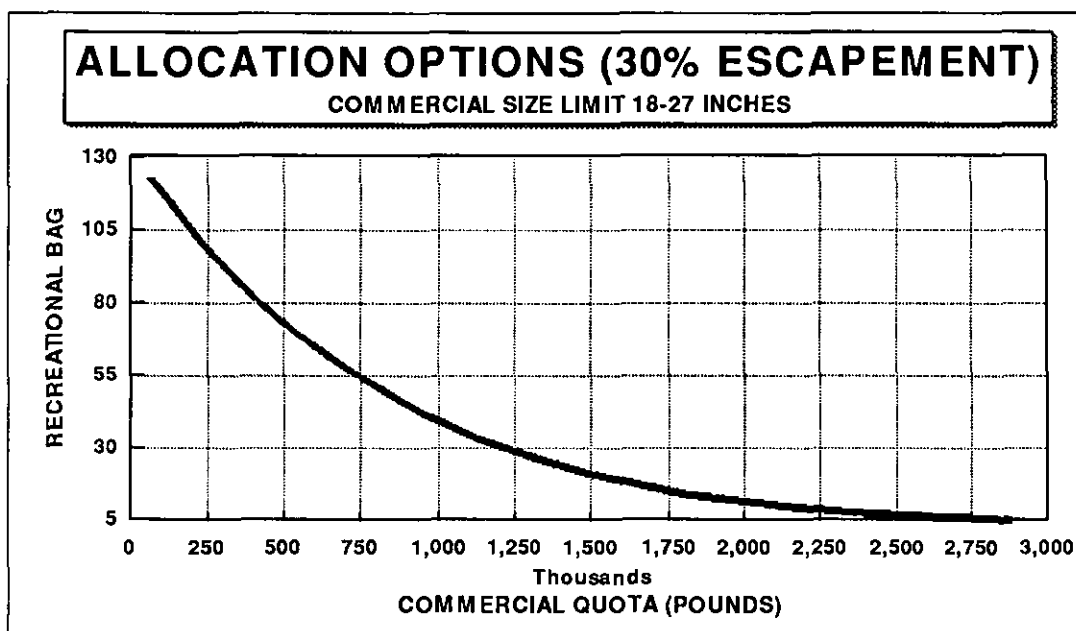


Figure 6. Annual estimates of SPR over time, based on each scenario.

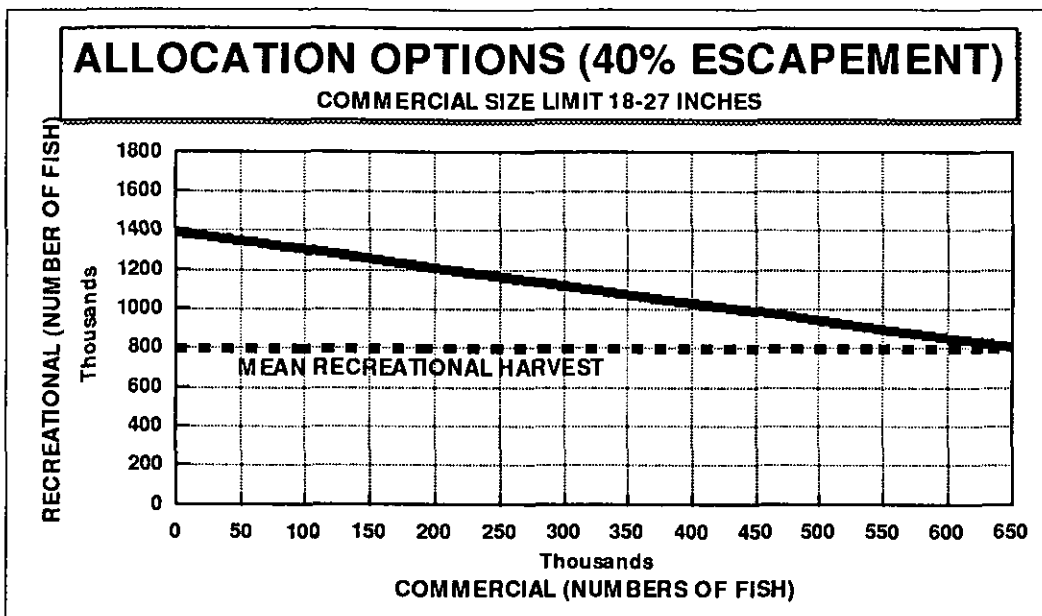


**Figure 7.** Potential commercial allocations for a 30% escapement criterion. Average recreational harvest is also included, assuming 1972-89 average recruitment and 1988-93 average fishing mortality rates.

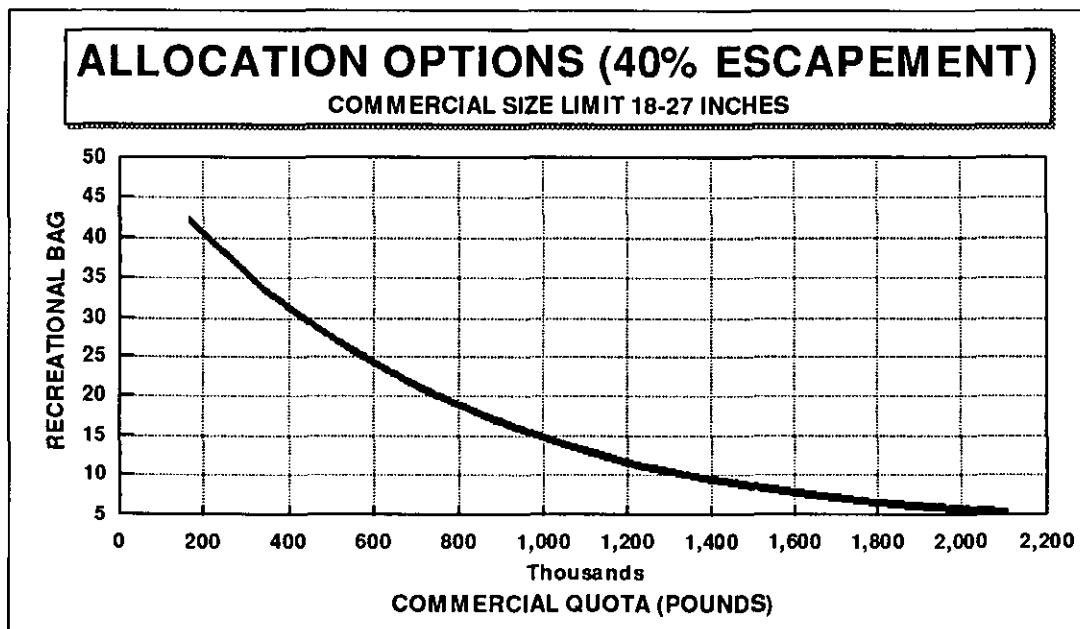


**Figure 8** Estimated possible allocations in terms of recreational bag limits and potential commercial quotas within 30% escapement using Scenario 1. The curved line represents 30% escapement.

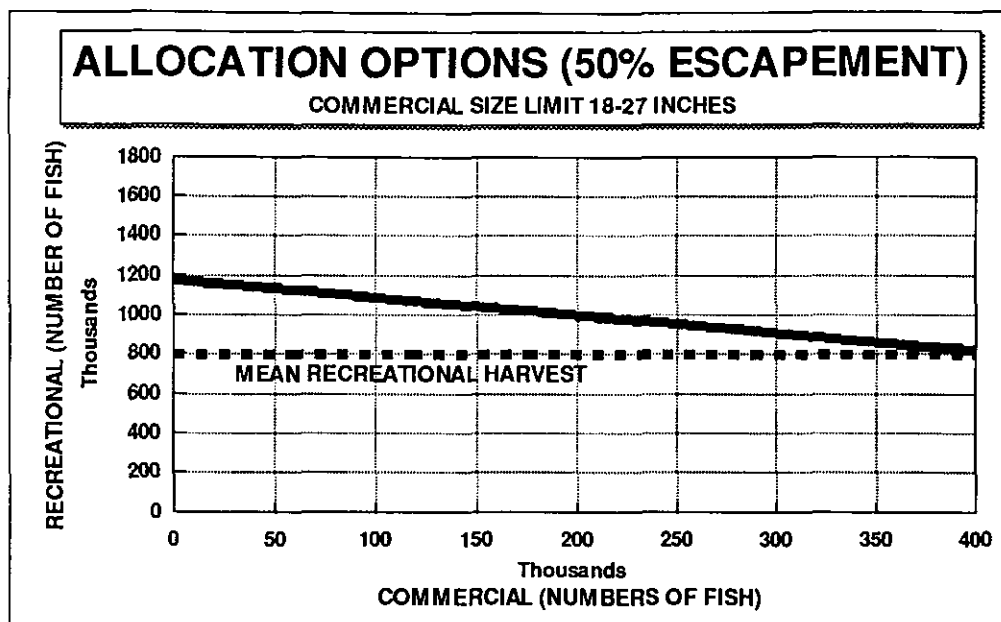




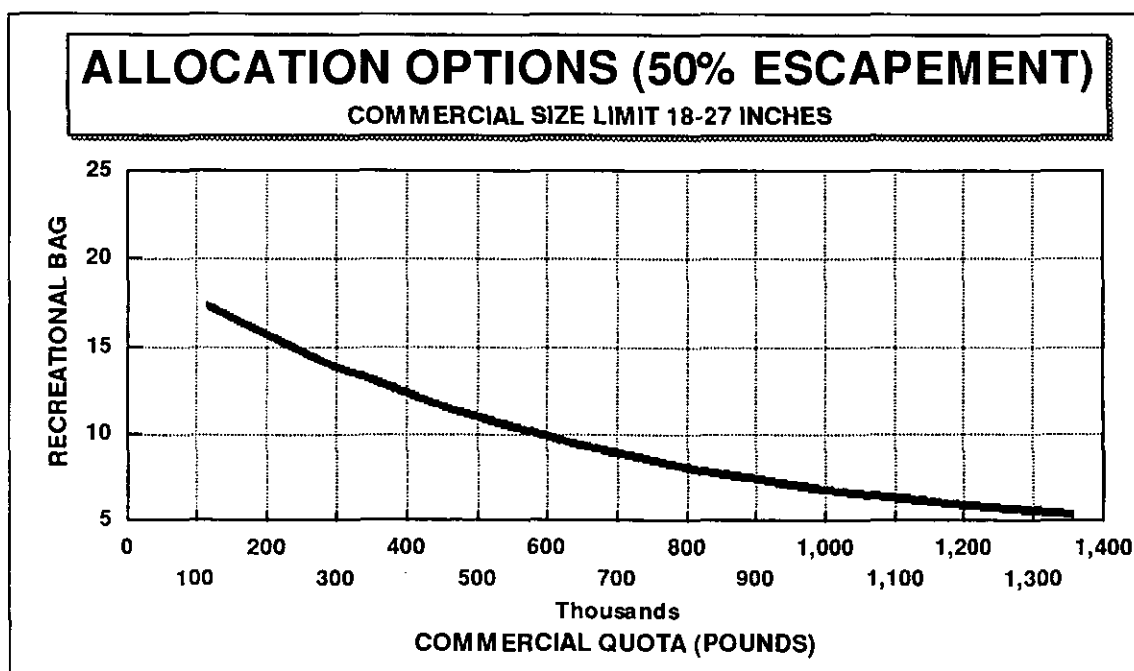
**Figure 9.** Potential commercial allocations for a 40% escapement criterion. Average recreational harvest is also included, assuming 1972-89 average recruitment and 1988-93 average fishing mortality rates.



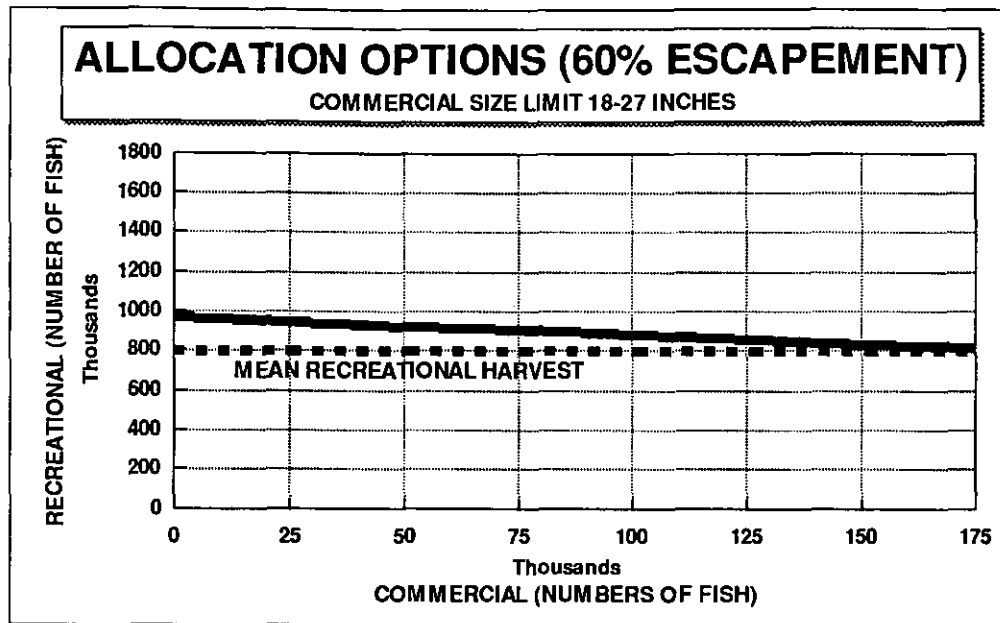
**Figure 10.** Estimated possible allocations in terms of recreational bag limits and potential commercial quotas within 40% escapement using Scenario 1. The curved line represents 40% escapement.



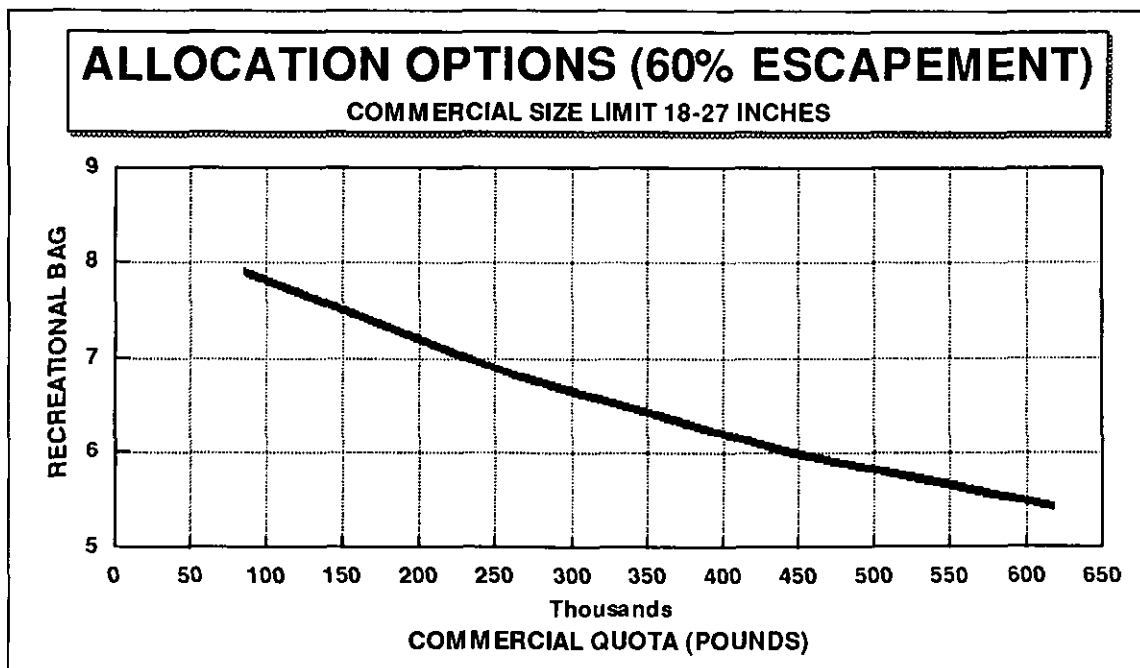
**Figure 11.** Recreational and commercial allocation options for a 50% escapement criterion. Estimated average recreational harvest is shown as a horizontal line, assuming 1972-89 average recruitment and 1988-93 average fishing mortality rates.



**Figure 12.** Estimated possible allocations in terms of recreational bag limits and potential commercial quotas within 50% escapement using Scenario 1. The curved line represents 50% escapement.



**Figure 13.** Recreational and commercial allocation options for a 60% escapement criterion. Estimated average recreational harvest is shown as a horizontal line, assuming 1972-89 average recruitment and 1988-93 average fishing mortality rates.



**Figure 14.** Estimated possible allocations in terms of recreational bag limits and potential commercial quotas within 60% escapement using Scenario 1. The curved line represents 60% escapement.

# **EXAMPLE OF COMMERCIAL QUOTAS (POUNDS) AT GIVEN RECREATIONAL BAG LIMITS AND ESCAPEMENT RATES**

		<u>ESCAPEMENT RATES</u>			
		30%	40%	50%	60%
<u>RECREATIONAL BAG</u>		<u>COMMERCIAL QUOTA</u>			
5	3,073,000	2,301,000	1,550,000	814,000	
6	2,706,000	1,933,000	1,181,000	444,000	
7	2,494,000	1,719,000	967,000	229,000	
8	2,340,000	1,565,000	812,000	73,000	
9	2,218,000	1,443,000	689,000	0	
10	2,116,000	1,341,000	586,000	0	
15	1,763,000	986,000	231,000	0	
20	1,531,000	753,000	0	0	
25	1,356,000	576,000	0	0	
30	1,213,000	433,000	0	0	
35	1,092,000	312,000	0	0	
40	987,000	206,000	0	0	
45	894,000	0	0	0	
50	810,000	0	0	0	

**Table 1.** Some examples of allowable recreational bag limits combined with potential commercial quotas under various escapement rates. These values are provided to demonstrate some of the values which could be derived from the allocation option figures given on the previous pages.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

**RESOLUTION**

**WHEREAS,** it is the statutory duty of this Commission to make a recommendation to the Louisiana Legislature as to whether or not game fish status for red drum (*Sciaenops ocellatus*) should be continued, accompanied by a detailed explanation; and

**WHEREAS,** \_\_\_\_\_  
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\_\_\_\_\_ ;and

**WHEREAS,** \_\_\_\_\_  
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**WHEREAS,** \_\_\_\_\_  
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**WHEREAS,** \_\_\_\_\_  
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**THEREFORE, BE IT RESOLVED** for the above and foregoing detailed explanation, this Commission does hereby recommend to the Louisiana Legislature that game fish status for red drum (Sciaenops ocellatus) (not) be continued.

---

Joe L. Herring, Secretary  
Louisiana Department of  
Wildlife and Fisheries

---

Perry Gisclair, Chairman  
Louisiana Wildlife and Fisheries  
Commission

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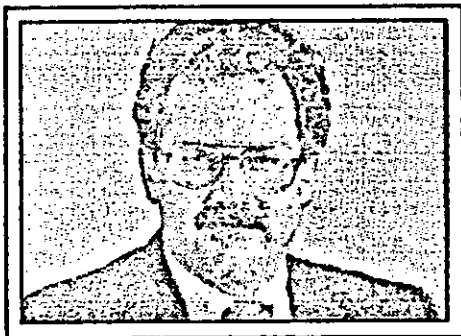
Date

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Date

# OUTDOORS

## THE WILD SIDE



**JOE MACALUSO**  
OUTDOORS WRITER

### Redfish could help no-net bill

**T**he recreational versus commercial skirmishes over the last 10 years are an indication that the biggest battle in state history between these two fishing user groups is coming soon, sooner than we might want it.

It's over the commercial fishermen's use of gill nets, any entangling net.

The battle will be fought in Senate and House committees and on the floors of the two houses at the State Capitol. When this bill passes, if it passes, it will still need the signature of Gov. Edwards to become law.

The next two weeks will tell all of us about how wide or how narrow the scope of the battle will be. One of the contributing factors will have nothing to do with the bill itself. It will come at the Feb. 9 meeting of the Louisiana Wildlife and Fisheries Commission.

It's expected that the Department of Wildlife and Fisheries' biologists will show data indicating state redfish stocks have recovered so well during the last five years that a commercial redfish catch could be allowed without harming the breeding population.

With the current makeup of the commission, with its demonstrated shift from recreational to commercial sides at its January meeting, the LWFC's recommendation to the Legislature approving a commercial redfish harvest appears to be a mere formality of counting votes.

That vote will mean that gamefish—recreational-only catch—status of redfish in Louisiana will enter its last days. Because the LWFC does not have the power to change that status, the final decision on redfish will have to come from the Legislature.

In the highly charged nets/no-nets atmosphere, a little common sense tells you this vote will move even marginally-interested recreational fishermen into the no-nets camp. If half of the over 300,000 licensed recreational saltwater fishermen join forces, contact their respective legislators seeking a "yes" on the no-net bill, it's easy to see how political pull will outweigh the 400-600 saltwater commercial fishermen.

Still, that does not indicate quick or easy passage. Sen. Larry Bankston and Rep. Warren Triche, the bill's authors, said the final version will be finished in the next two weeks.

It's expected that the bill will not include a net ban in freshwater. That's a mistake. Commercial fishermen have a big investment in their nets, and if they're excluded from using them in saltwater, will they cast that investment aside never to use them again?

Not likely. Generally speaking, the saltwater-freshwater line in our state is the Intracoastal Canal, and travel to bountiful freshwater areas for gill-netters isn't a big obstacle.

Leaving the ability to use gill nets in freshwater will pose a problem for state enforcement agents.

Then we're back at Square One.

There are countless instances in wildlife and fisheries history in which enforcement problems have rendered well-intentioned laws ineffective.

If that's the case here, what will happen is that instead of having something that settled an issue, all we will have done is open another can of worms.

# OUTDOORS

SUNDAY ADVOCATE, Baton Rouge, La., Jan. 29, 1995

## Commercial fishermen wait for final version of gill net ban

By JOE MACALUSO  
Advocate outdoors writer

Commercial and recreational saltwater fishermen in Louisiana and Mississippi engaged in two more skirmishes last week in the on-going battle over the use of nets to catch finfish.

Mississippi commercial fishermen came away from its fight proclaiming recreational fishermen the winner, even though commercial fishermen will be allowed to use their nets.

The fate of Louisiana commercial fishermen is still hanging. Leaders of commercial fishing interests are waiting to see the final version of a bill two state legislators said they will introduce when the session convenes in March.

State Sen. Larry Bankston of Port Hudson and Rep. Warren Triche of

Thibodaux unveiled broad details of the Bankston/Triche Marine Resources Conservation Act of 1995 at the Baton Rouge Press Club last Monday. The bill seeks to ban all "entanglement nets" from the saltwater areas of the state. It has the support of the recreational fisherman-based Gulf Coast Conservation Association-Louisiana.

Bankston and Triche pointed out their bill affects saltwater finfish only. Excluded from proposed legislation are nets and gear used in catching shrimp, oysters, crabs and menhaden and nets used in freshwater areas of the state.

The bill, the authors said, will allow a commercial rod-and-reel catch.

Commercial fishing leaders countered the proposal by saying their fishermen cannot adequately furnish

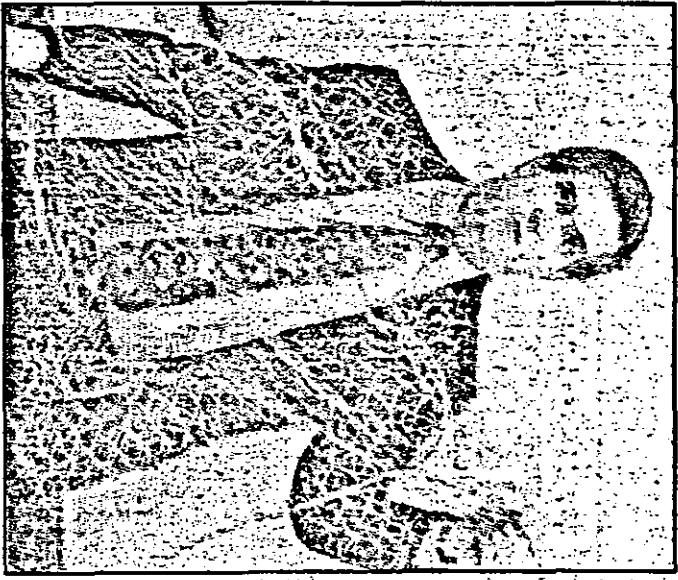
Louisiana restaurants and markets if limited to rod-and-reel equipment.

"It's impossible for us or them to think that we can supply fish that way," said seafood wholesaler Preston Battistella, leader of the commercially-based Louisiana Seafood Management Council.

"What do they (recreational interests) want us to sell to tourists? And, with 1,000 of us and 300,000 of them, who is depleting the (finfish) resource as they claim?" Battistella asked. "They have been successful in putting quotas on red snapper, on everything. They want more now."

Bankston pointed out the bill "does not change the limits and quotas for commercial saltwater fishermen. It does change the gear which they use."

See GILL NETS, Page 21C



Advocate staff photo by Bill Feig  
State Sen. Larry Bankston shows gill net to the Baton Rouge Press Club last week.

## Gill nets

CONTINUED FROM 22C

GCCA-Louisiana executive director Jeff Angers said the final wording of what's expected to be a 35-page bill is still being worked out.

"The reason Sen. Bankston and Rep. Triche brought the bill to the public at this time is to help clear up some confusion, some of the rumors and untruths that are being circulated about the bill," Angers said. "They did that, and now there are a lot of technical matters that must be ironed out before these two legislators and others sign on and submit it for the session."

Battistella said his group and other commercial fishing organizations wants to see the final bill before issuing further comment.

From the vote in Mississippi, it appears that state's commercial saltwater fishermen do not have the same luxury. Last Tuesday, the newly organized Mississippi Commission of Marine Resources voted 4-3 on what it believed was a compromise between the two user groups in that state.

The Mississippi law put the following restrictions on commercial fishermen: A half-mile limit from the beach on nets during daylight hours from Biloxi to Bay St. Louis. Nets would be allowed closer to shore at night; prohibits the use of nets on weekends and holidays; makes it unlawful to have the nets in closed waters; limits net fishermen to a distance no closer to each other than the length of their nets; and, requires nets be made of biodegradable material after Jan. 1, 1997.

According to a report, Jean Williams, president of the Pascagoula, Miss.-based Save America's Seafood Industry, call the new regulations, "unfair. They have put a lot of severe restrictions on a group of people who don't deserve it. Scientific data says there is no reason for this."

Gautier, Miss. gill-netter Cynthia Ryan said, "They might as well shut us down."

-over-



# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

January 25, 1995

## MEMORANDUM

TO: Secretary Joe Herring  
FROM: Colonel Winton Vidrine *W.V.*  
RE: Suggested Methods in Regulating Certain Fish Species

Upon reviewing the proposal of tagging commercial finfish the Enforcement Division Administrative staff has had several meetings to determine the feasibility of enforcing such a regulation. As you are well aware the position of enforcement in management schemes is not to be for or against the biological motives of the plan, but rather to provide regulatory expertise to support the pre-determined objective.

The tagging system does have basic merit based upon information received from Florida and Tennessee, both of which use individual fish tags to determine harvest numbers in specific geographic areas. However, as with any opportunity that allows monetary gain through resource harvest there are problems that can be identified.

We do believe, however, that given the proper man power and equipment resources we can overcome those problems. In fact, for consistency of commercial finfish harvest we would recommend that all species that are regulated by quota or seasons move to the tagging system. This would allow standardizing of reporting, a focused enforcement effort and fewer regulatory requirements for fishermen who engage in multiple fisheries.

Enabling Legislation would be required to authorize the commission to implement this program. The following suggestions are offered as methods in which fish regulated by quotas or seasons may be tracked throughout the system from the time of harvest to consumption.

I. The most preferable approach would be to require, all permitted harvesters to off-load their catch at several pre-designated locations manned by Department personnel who would tag each fish with a self locking, numbered tag. These tags would be designed for one time use and remain on the fish through all commercial transactions. However, we recognize that this approach would require significant Department manpower and in all likelihood be disruptive and inconvenient.

II. An alternative approach would be to require that tags be placed on each fish by fishermen immediately at the time of harvest.

- A. The number of tags corresponding to Louisiana's annual quota could be distributed by one of the following options:
  - 1. Issue tags to high bidder.
  - 2. Issue tags to fishermen holding designated license types (i.e. gill net, trammel nets, seines, commercial hook and line) in equal lots.
  - 3. Issue tags to dealers holding designated license types in equal lots. Under this option the dealers would distribute their allotment of tags to fishermen as they see fit and these fishermen would also be required to hold designated licenses. Dealers would be required to report to the Department, which fishermen they distribute which tags to.
- B. Our Department would be notified of who has which tags regardless of method chosen.
- C. Regulated fish imported from out of state must be imported as whole fish and tagged prior to entering the state, with the tags issued by the state where the fish originated.
- D. Regulated fish produced by aquaculture operations in Louisiana must be tagged at time of harvest with tags issued by Louisiana. Preferable these tags would be of a different color than those used for wild fish.
- E. Fees per tag in an amount to be set necessary to defray cost of program.
- F. Permit required to participate.

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
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FREDERIC L. MILLER  
ATTORNEY AT LAW  
910 PIERREMONT ROAD, SUITE 117  
POST OFFICE BOX 8098  
SHREVEPORT, LOUISIANA 71135-5098

TEL. 318-861-4071  
FAX 318-862-0542

February 9, 1995

Louisiana Wildlife and  
Fisheries Commission  
Post Office Box 9800  
Baton Rouge, LA 70898

VIA FAX 504-765-2607

Gentlemen:

I understand that the Louisiana Wildlife and Fisheries Department will render its annual report to the Commission concerning game fish status of redfish and that the report will be presented at today's meeting.

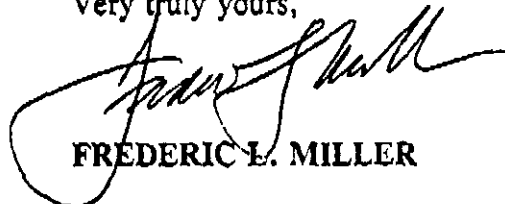
While the press of business mandates that I not attend the meeting, I do want to go on record with my position on the game fish status of redfish.

I request that the Commission continue to maintain the game fish status of redfish. I have been actively engaged in outdoor pursuits in our state for over forty years and watched the redfish decline dramatically in the 1980's. Once given game fish status, with the stringent size and creel limits, I have watched their rebound with pleasure. However, I do not feel that the stocks of redfish have rebounded to the point of being able to support a commercial fishing - even one that is severely restricted and regulated.

Already, I see the abuse of redfish as a by-catch and a flourishing illegal/black market for redfish. Our fine enforcement agents are not able to stem this tide - to open the redfish stocks to commercial fishing can have nothing but adverse impact on the resource.

Please retain game fish status for redfish.

Very truly yours,



FREDERIC L. MILLER

FLM:plp

FREDERIC L. MILLER  
ATTORNEY AT LAW  
810 PIERREMONT ROAD, SUITE 117  
POST OFFICE BOX 8098  
SHREVEPORT, LOUISIANA 7135-5098

TEL 318-861-4071  
FAX 318-869-0242

February 9, 1995

Louisiana Wildlife and  
Fisheries Commission  
Post Office Box 9800  
Baton Rouge, LA 70898

VIA FAX 504-765-2607

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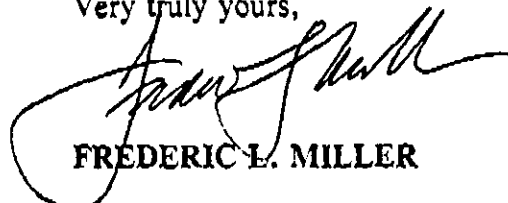
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Very truly yours,



FREDERIC L. MILLER

FLM:plp

## DEPARTMENT OF COMMERCE

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NATIONAL MARINE FISHERIES SERVICE  
SOUTHEAST FISHERIES SCIENCE CENTER  
BEAUFORT LABORATORY  
101 PIVERS ISLAND ROAD  
BEAUFORT, NORTH CAROLINA 28516-9722

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Phone: (919) 728-3595  
(919) 728-8784 (FAX)

**Date:** February 8, 1995  
**TO:** Harry Blanchet (504-765-2800)  
**FAX:** 504-765-2489  
**FROM:** Doug Vaughan (919-728-8761)  
**RE:** FOURTH ANNUAL REPORT ON THE STATUS OF RED DRUM

---

As requested, I reviewed this document and have the following comments. On the definition of escapement, clarify that this is the number of fish present at the beginning of age 4 (survival through age 3). I am not familiar with the distinction made in the definitions that SPR refers to eggs and SSBR to female biomass, although I have no problem with the usage as defined for this report. The next to last sentence in the second full paragraph on the second column of page 4 was unclearly worded (the word "but" seems inappropriate). There is insufficient detail on the VPA to really comment on their appropriateness. Some of this detail may be in earlier reports to which I do not have available. Otherwise, the report looks pretty good.

---

## UNIVERSITY OF SOUTH ALABAMA

DEPARTMENT OF  
MARINE SCIENCES

February 1995

TELEPHONE: (205) 460-7136  
LSCB 25 • MOBILE, ALABAMA 36688-0002  
BITNET: UMSD@USOUTHAL  
FAX: (205) 460-7357

Mr. Harry Blanchet  
Marine Fisheries Division, Finfish Programs Manager  
Dept. of Wildlife and Fisheries, P.O. Box 98000  
Baton Rouge, LA 70898-9000

Dear Harry:

Thanks for the opportunity to review the Fourth Annual Report on the Status of Red Drum prepared by your unit. I have had time to review it, and hope your group finds my comments useful, and not too late.

Overall, it is extremely pleasing to see the continued recovery of this resource, and especially in view of the management measures which your state and others have put in to effect its recovery. No doubt Louisiana has been largely, if not principally, responsible for the Gulf-wide stock recovery due to your department's actions and the fact that the stocks are centered around and within Louisiana waters. I and most of my colleagues feel that if the trends continue, it won't be long until an increased harvest will be warranted.

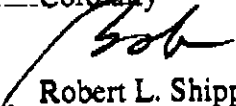
However, in view of the lack of an overall stock assessment, I would urge caution in any unilateral action to increase harvest. As you probably know, the Gulf Council has requested NMFS to do a current assessment of red drum, and Corky Perret has been able to hold the priority on this request, so that it will be performed this year. It would seem advisable to await the results of that assessment and determine the SPR for the entire stock before changes in harvest quotas are enacted.

As noted on page 6 of the report, any surplus from Louisiana will contribute to rebuilding the offshore spawning stock. While I can understand the tendency to reap the rewards of the current improvement indicated in the report, I would favor the longer view to hold the line and better ensure the long range health of the brood stock.

I cannot comment on the methodology used to generate your projections, as the details are not a component of the report. However, I have the greatest respect for the expertise of your staff, and applaud the time and effort they have devoted to this project.

Also, I'd like to talk some time about a new "quick-prep" method of otolith preparation, especially useful on red drum, which your group may find useful. Jim Cowan and I have a note in press (Transactions) on the technique that can save literally hundreds of hours in generating growth data for a VPA. We'd love you or any of your folks to visit our lab sometime.

Cordially

  
Robert L. Shipp  
Chair





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northeast Fisheries Science Center  
186 Water Street  
Woods Hole, MA 02543-1026

February 8, 1995

Mr. Harry Blanche, Finfish Programs Manager  
Marine Fisheries Division  
Louisiana Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

Dear Harry,

I am sorry that I could not return this review of your department's document sooner. As it turns out, I was most familiar with red drum from our office but had a number of other obligations to complete before this. I have reviewed the document you sent and summarize my findings below. Happy to be able to assist your department and again I apologize for the delay.

### General Comments

The assessment document was well written, provided a concise statement of the state of the red drum resource and included useful resource allocation options. In addition, I applaud the Department's recommendation to increase fishing mortality rates incrementally to avoid overshooting the conservation standard. However, I found the document lacks sufficient detail with regard to assessment methods, underlying assumptions and model output uncertainty for a rigorous technical review, although I recognize that the target audience is the Louisiana Fish and Wildlife Commission and that they may not be interested in the technical details. Most importantly, VPA (as you have employed it) should be de-mystified for the Commission members; it is a simple procedure (a single equation really) which provides a point estimate of stock size, and thus fishing mortality, under a given set of initial assumptions that make the model work. While the Commission members may not be knowledgeable enough about the mathematical details, I believe they have the intelligence to evaluate the tenacity of the underlying assumptions used and the uncertainty in model output, if provided. Neither of these were provided in the document.

### Specific Comments

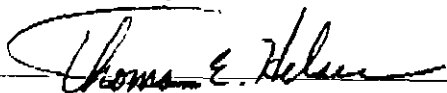
Since the VPA you used generated only deterministic (point) estimates of fishing mortality, escapement rates and SPR your statement (Page 3, "provide most up-to-date and accurate estimates of fishing mortality, escapement rates and SPR for Louisiana") is simply



unfounded. Accuracy implies you have in fact provided the true F or SPR. Your VPA provides only point estimates which may be neither accurate nor precise. Other VPA approaches using tuning or calibration methods can be employed to evaluate precision (output variability or uncertainty) and accuracy (bias). In fact, some retrospective analyses of tuned VPA performance indicate that the terminal year F's (most recent year) are substantially biased because, among other reasons, convergence properties of VPA are not achieved until earlier in the cohort. Therefore, without using tuning or calibration methods your assessment results do not provide any evaluation about the accuracy of F's or SPR, nor do they give any indication about the uncertainty in those estimates. I strongly recommend that you explore the possibility of advancing your VPA methods to include calibration or tuning techniques. I believe your trammel net catches of juvenile red drum may provide a rather good index of age 0-3 abundance for tuning.

While I agree that under the mean 1989-90 through 1993-94 fishing mortality rates SSB and SPR should gradually increase (Page 4, Figure 6) these projections through the year 2000 may be too optimistic. There are two reasons for this. First, although the projections are based on constant cumulative age 0-4 F's, the partial recruitment pattern at age (age-specific F's) will probably vary significantly as cohorts of various size enter the fishery. For instance, a given but constant unit of fishing, at age 1 lets say, will harvest more fish from a large year-class than a smaller year-class. If the previous year-classes were relatively smaller then the fishery may target the more numerous age 1 fish, and increasing the level of fishing mortality at that age. Overall, fewer numbers of pre-spawners would be available to enter the spawning stock biomass. In this case, although SSB may increase its magnitude would be less than expected under a shift in partial recruitment to younger fish. Secondly, many marine fish populations (and probably estuarine populations) exhibit compensatory population mechanisms, such as density-dependent changes in growth, natural mortality and maturity at age. If increases in recruitment at age 0-1 into the estuaries is as large as suggested by trammel net indices (Figure 1), or is likely to increase due to rebuilding of parental biomass, then some inter- and intra-specific competition for prey resource may be encountered. Although I recognize that red drum is largely a generalist in its feeding strategy, as are many other fishes in Louisiana estuaries, biological interactions within their own and other populations can not be discounted. One final comment here, while it appears from Figure 6 that the effect of recruitment may have been remove by computing the SSB on a per-recruit basis, these projections must have assumed a constant partial recruitment pattern and some average level of recruitment. There is insufficient detail in the text to determine just how these projections were made.

Sincerely,



Thomas E. Helser, Ph.D.  
Research Fishery Biologist

cc: Dr. Richard Condrey, Associate Professor-LSU



*Coastal Fisheries Institute  
Center for Wetland Resources*

LOUISIANA STATE UNIVERSITY  
BATON ROUGE - LOUISIANA - 70803-7503

AND AGRICULTURAL AND MECHANICAL COLLEGE  
504/386-6455

Feb 7, 1995

Mr. John Roussel  
Louisiana Department of Wildlife and Fisheries  
P. O. Box 98000  
Baton Rouge, Louisiana 70898-9000

Dear John

I have completed my review of the Fourth Annual Report on the Status of Red Drum prepared by LDWF. I was pleased to see that red drum continue to shows strong signs of recovery and your management efforts have worked. The whole red drum story is a model success for fishery management.

The report is well written, concise, and represents a good scientific effort. Your interpretation and use of the analyses are cautious, yet indicate that there are excess fish to be harvested. I concur that any increase in the total take of red fish be gradual and that there be sufficient time between increases to allow for re-assessments. We now know this species is resilient and that the population can recover if evidence of over-harvest is detected in the future.

The fact that other Gulf states (eg Fla.) have estimated similar escapement rates further confirms your estimates of escapement. Although it is becoming less important, I am hopeful that we will have the chance to get another look at the offshore age structure in the near future.

What action do you expect at the Federal level if Phil Goodyear's next stock assessment declares the offshore population as recovered? My understanding is that by law it ( the fishery) must be opened to harvest. I would hope that any harvest of red drum occur during its inshore/nearshore phase and that we leave the offshore population alone.

Kindest regards,

Charles A. Wilson  
Associate Professor

cc Rick Shaw



Lawton Chiles  
Governor

# Florida Department of Environmental Protection

Florida Marine Research Institute  
100 Eighth Avenue S.E.  
St. Petersburg, Florida 33701-5095

Virginia B. Wetherell  
Secretary

February 7, 1995

Harry Blanchet  
Marine Fisheries Division  
Louisiana Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

Dear Harry,

The Louisiana Department of Wildlife and Fisheries' report appears to be an accurate assessment of the status of the red drum stock in Louisiana. My comments are similar to those I made on last year's report (copy attached). In particular, I would like to see some indication of the variation around the catch rates for seines and trammel nets. Also, my understanding is that SSBR or spawning-stock-biomass-per-recruit is the amount of mature female biomass divided by the number of recruits. I don't understand how it can be presented as a percentage. Otherwise the report is clearly written and easily understood.

Sincerely,

Michael D. Murphy  
Research Scientist  
Florida Marine Research Institute

cc: Ken Haddad, Chief FMRI



**TEXAS**  
**PARKS AND WILDLIFE DEPARTMENT**  
4200 Smith School Road • Austin, Texas 78744 • 512-389-4800

ANDREW SANSON  
Executive Director

**COMMISSIONERS**

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February 8, 1995

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Ft. Worth

Mr. Harry Blanchet  
Marine Fisheries Division  
Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

Dear Harry:

Thank you for the opportunity to comment on the Fourth Annual Report on the Status of Red Drum in Louisiana. I commend you and your staff for their efforts in tackling such a difficult stock assessment problem.

An accurate assessment of red drum populations is certainly complicated by the need to use imperfect mathematical models with their inherent assumptions and biases. In addition, the lack of complete or representative data sets needed by the models can lead to misinterpretations. As you know, natural resource managers must decide how much risk of being wrong they are willing to live with when reviewing the results of these fishery model analyses.

Given our unfamiliarity with the Louisiana data sets used to complete the stock assessment and the short review time, the response on the report from Department staff is dominated by questions on those data sets. Were the trammel net and bag seine data collected using standardized, random sampling? Were sport harvest samples representative of red drum angling pressure and landings? What were the variances associated with these data sets? Is the age-length key based on a sufficient number of red drum otoliths? How sensitive are the VPA estimates to these different variances in the data sets? Unfortunately, we are not in a position to make a judgement on the adequacy of your data sets at this time.

I would also comment that decision-makers need more information on the social and economic impacts of fishing regulation changes. In Texas, research efforts have documented that the social and economic benefits to the State have been better maximized by making red drum a game fish. This allocation decision continues to be justified given the increasing recreational fishing demand and the difficulty experienced by law enforcement in controlling fishing mortality in a commercial net fishery.



Mr. Harry Blanchet  
Page Two

Louisiana, of course, should manage this important species based on what's best for your unique situation. However, given the uncertainties inherent in these kinds of mathematical assessments and in anticipation of a more comprehensive, Gulf-wide red drum assessment by the National Marine Fisheries Service sometime this year, I would advise a go-slow approach to any liberalization efforts.

Thank you again for allowing the Department's input. Please feel free to contact me anytime.

Sincerely,



Hal Osburn  
Coastal Fisheries Policy Director

HRO:hro

---



Lawton Chiles  
Governor

# Florida Department of Environmental Protection

Florida Marine Research Institute  
100 Eighth Avenue S.E.  
St. Petersburg, Florida 33701-5095

Virginia R. Wetherell  
Secretary

February 1, 1994

Mr. John E. Roussel  
Louisiana Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

Dear Mr. Roussel:

The conclusions drawn in the status report appear to be consistent with those presented by Dr. Phil Goodyear in his 1993 analyses of the status of red drum in the Gulf of Mexico. I had little time to review this report and get it back to you by 3 February. Since it was obviously written for a broad audience, it was impossible to review much of the technical aspects of the analyses using only the data provided. It isn't clear if Wilson's results indicating variation in the age of emigration are used in the analyses. Also, plots, such as that for trammel net catch/effort, have little value without some indication of the variation around each mean. The definition of SSBR should read 'the total weight of mature fish in the stock for a given level of recruitment'. SSBR doesn't imply a ratio of fished to unfished mature stock as SPR does. SPR and SSBR are sometimes confused in the text. As for the definition of SPR, I recommend replacing 'egg producing ability' with 'egg production' or 'SSBR'. It is interesting that recent recruitment levels are quite high when SSBR is at an all time low. Finally, while it does seem intuitively obvious that SSBR levels are increasing, given the current strict regulation of harvest, I don't think that the 'uncertainty in the status of the stock.....has been resolved' (p.8). Please let me know if I can be of any further assistance.

Sincerely,

Michael D. Murphy  
Research Scientist  
Florida Marine Research Institute

MDM/jlw

cc: Frank S. Kennedy, Jr.  
Kenneth D. Haddad  
Edwin W. Irby, Jr.

FILE: G:\DATA\MURPHY\LETTERS\LA\_RED\_D.RUM



# Gulf Coast Research Laboratory

P.O. BOX 7000  
703 EAST BEACH DRIVE  
OCEAN SPRINGS, MISSISSIPPI 39564-7000

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INSTITUTIONS OF HIGHER LEARNING  
STATE OF MISSISSIPPI  
ADMINISTERED BY THE  
UNIVERSITY OF SOUTHERN MISSISSIPPI

January 30, 1995

Harry Blanchet  
Marine Fisheries Division  
Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

FEB 06 95

Dear Harry,

I have been selected within the laboratory to review your Fourth Annual Report on the Status of Red Drum in Louisiana. I have read most for your previous reports and I believe you and I have discussed them for various reasons.

I see that your escapement levels are still much above the 30% level. Is there any move on to change recreational minimum size/bag limits. I also detect (allocation discussion) a potential for allowing inshore commercial harvest of red drum in LA. Why an 18 minimum size (and not 16) in a potential commercial fishery, I presume the 27 is to limit the fishery to inshore waters?

I have included for you information our inshore seine/BPL & gill net data over the last few years for comparison purposes. Effort is equal year to year. Index is numbers of fish in samples. Our index is a little out of sync with yours.

Good luck at you meeting!!!

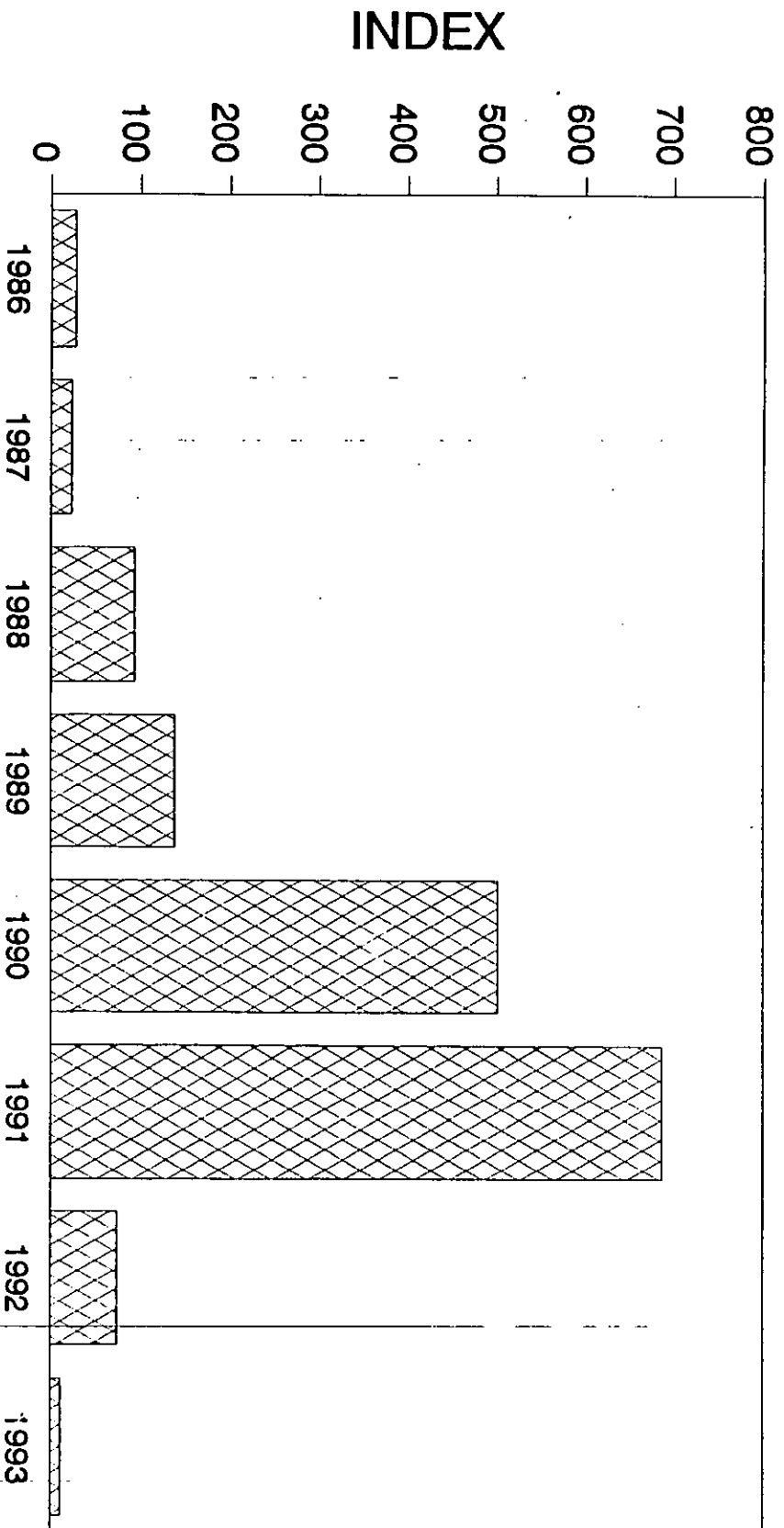
Sincerely,

James "Tut" Warren  
Fisheries Biologist  
Gulf Coast Research Laboratory



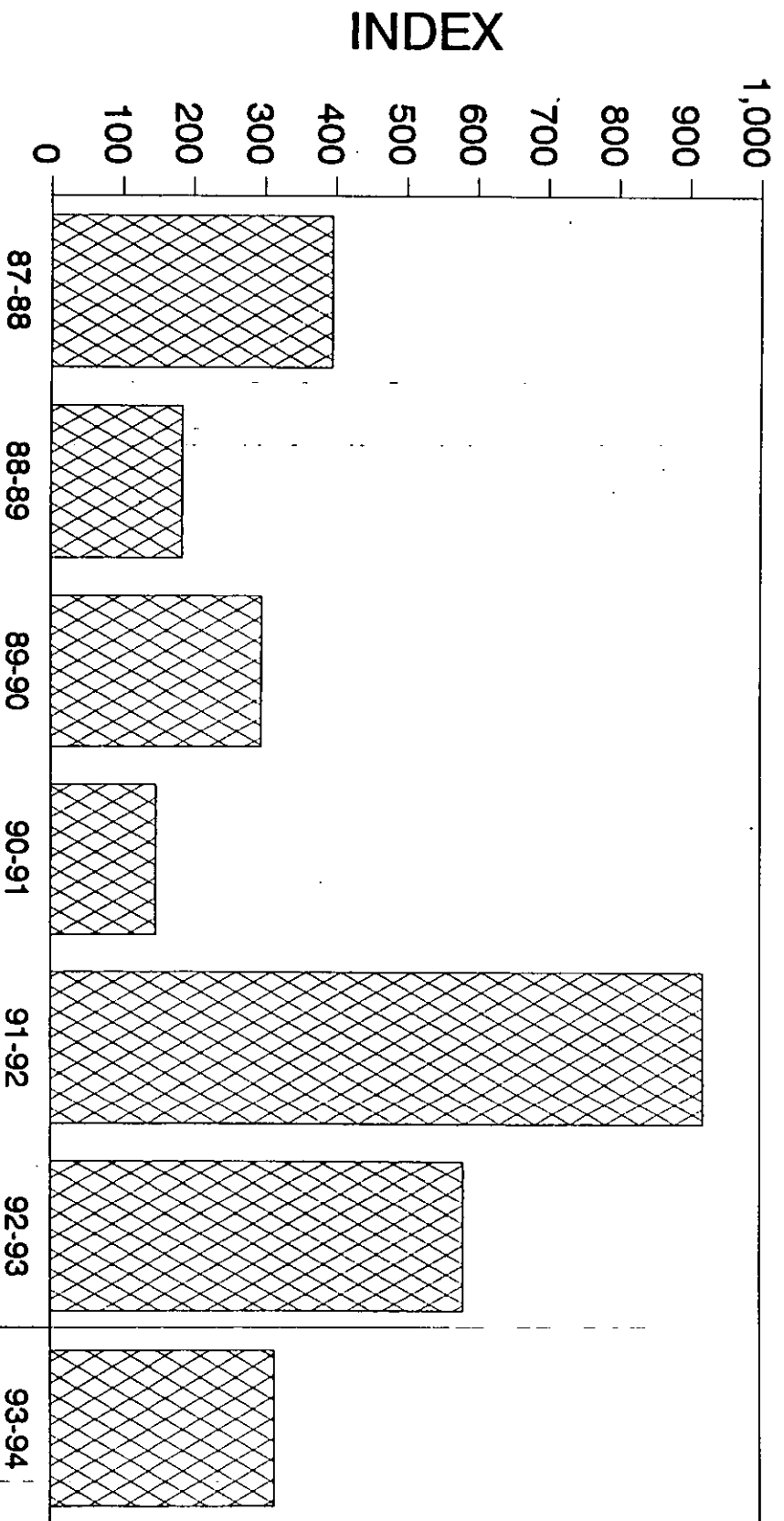
# RED DRUM - MISSISSIPPI

## POSTLARVAE/JUVENILES



# RED DRUM - MISSISSIPPI

## SUB-ADULT





**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

C. Phillip Goodyear  
SEFSC  
Miami Laboratory  
Miami, FL 33149  
January 31, 1995

Mr. Harry Blanchet  
Marine Fisheries Division  
Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

703  
JAN 03 95  
MARINE FISHERIES DIVISION  
BATON ROUGE, LA

Dear Mr. Blanchet:

I received the copy of the "Third Annual Report on the Status of Red Drum" prepared by the Louisiana Department of Wildlife and Fisheries, Marine Fisheries Division which you sent me for review.

In general the document is well written and faithfully reflects the results of the NMFS assessments of the status of Gulf of Mexico red drum where they are cited. It is impossible to assess the accuracy of the estimates of the current condition of the stock or the forecasts that are presented in the document because insufficient detail is provided. However, the results are not out of line with expectations.

I would caution that the conservation standard of 20% SPR is an overfishing threshold, below which the stock should not be allowed to fall. It is not an appropriate goal for management. The 30% escapement requirement was recommended by the Red Drum SAP because 20% escapement would ensure that the stock would not achieve 20% SPR (because of inadvertent fishing mortality on adults). An appropriate goal for management has not yet been set, but it will likely require SPR to be well above 20%, probably in the range of 30 to 40%. Consequently, I would urge that any relaxation of harvest regulations should avoid reducing escapement to below 40% until an appropriate goal for management has been established.

I hope that these comments are useful.

Sincerely,

C. Phillip Goodyear

cc. N. Thompson  
J. Powers





## GULF STATES MARINE FISHERIES COMMISSION

P.O. Box 726, Ocean Springs, MS 39566-0726  
(601) 875-5912 (FAX) 875-6604

Larry B. Simpson  
Executive Director

January 31, 1995

Mr. Harry Blanchet  
Louisiana Department of Wildlife  
and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

Dear Mr. Blanchet: *Harry*

The Gulf States Marine Fisheries Commission is pleased to review the "4th Annual Report on the Status of Red Drum" prepared by the Louisiana Department of Wildlife and Fisheries. The Commission has been pointedly concerned and involved with the health and utilization of this important resource, having coordinated the 3 year State/Federal Research Plan for the Gulf of Mexico in June of 1986. Recently, we successfully encouraged Congress to provide for the replication of the offshore tag and recapture work to determine the impact of the strict state regulations imposed since the late 1980's. This resource has historically been predominately state harvested with limited federal harvest for a short period of time. The major benefit from utilization should continue to be in state waters as opposed to extensive offshore harvest. We are pleased to see a continued increase in the escapement rates and a resultant increase in offshore spawning stocks. The latest Florida red drum assessments show similar escapement rates in the range of 45-65%. Further communications with state officials in Mississippi, Alabama and Texas indicate they meet or exceed the escapement goal of 30% established by the Councils. These increases only heighten the need to again address the overall status of the offshore population since no fishing mortality has occurred since the late 1980's. This is one research experiment we would all be remiss in not taking advantage of since we seldom have an opportunity to replicate work after no fishing has occurred for several years. The resource and fishermen who seek it deserve to have this emphasis applied to the offshore resource. It should be noted that the 30% escapement goal satisfies the biological goal for management of offshore populations, and recent relaxing of management measures in the states has begun to occur. These modifications should continue to be well coordinated Gulf wide.

As noted in the report, we also feel it is appropriate to increase mortality rates incrementally and hold those regulations in place 3-5 years. The report is excellent work showing the various options for management in a clear manner and providing sound scientific advice on the biological limits management must consider in their choices.

-Alabama-

-Florida-

-Louisiana-

-Mississippi-

-Texas-

Mr. Harry Blanchet  
January 31, 1995  
Page -2-

Thank you for your Department's excellent cooperation and work gulf wide to properly address this valuable resource.

Sincerely,



Larry B. Simpson  
Executive Director

LBS:crn

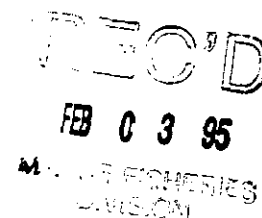


LOUISIANA STATE UNIVERSITY  
AND AGRICULTURAL AND MECHANICAL COLLEGE

Coastal Fisheries Institute  
Center for Coastal, Energy & Environmental Resources  
Baton Rouge, LA 70803-7503 • 504/388-6455 • FAX 504/388-6513

February 1, 1995

Mr. Harry Blanchet  
Finfish Programs Manager  
Department of Wildlife and Fisheries  
Marine Fisheries Division  
Post Office Box 98000  
Baton Rouge, Louisiana 70898-9000



Dear Harry:

Thank you for your request of January 27, 1995. As per your Department's "Fourth Annual Report on the Status of Red Drum" I have three comments and one concern.

First, the annual assessments of the status of the stock of red drum which are conducted by the Gulf states continue to be an extremely valuable tool in the recovery of this valuable resource. The annual assessments conducted by the LDWF continue to be of utmost importance because of the substantial portion of the inshore population of red drum which uses Louisiana's waters. Figure 5 in your assessment dramatically demonstrates how rapidly we were losing our spawning potential in red drum before the conservation measures undertaken by Louisiana and the other states were implemented. Figure 5 also dramatically demonstrates how rapidly that spawning potential appears to be recovering in response to the wise husbandry of Louisiana and the other states. Louisiana and the LDWF have and continue to play a vital, pivotal role in this process. Without this commitment and action, Figure 5 would be dismal instead of encouraging.

Second, I concur with the last paragraph on page 5 of the Report. We do not have a clear understanding of the current offshore age structure. As recommended and detailed by the Red Drum Stock Assessment Panel in its 4th report, we need a repeat of the offshore tag-recapture studies to determine the current age structure of the population. Without this study we will not have quantitative data on the impact of the conservation measures taken in recent years by the states and federal authorities.

Third, I continue to argue that as we move towards recovery of this valuable resource, our population assessment and management models must become truly stochastic. We must explore how scientific uncertainty in all our parameter estimates affect our stock assessment and management recommendations. Once these stochastic models are developed, I urge that we continue to err on the side of the resource where there is uncertainty which could affect the long-term abundance of the population. Such an approach is the best way to secure the benefits of our resources for the current and future generations. As always, I

Mr. H. Blanchet  
2/1/95  
Page 2

would be very happy to work with you or any of your staff on such a refinement of your current model.

My concern is that portions of your document might be misinterpreted to suggest that a reduction in the current conservation measures would be appropriate. While the stocks appear to be recovering, it is the unanimous recommendation of the Red Drum Stock Assessment Panel that we hold a steady course and resist all efforts to reduce the current conservation measures until it is clear that the stocks are in an equilibrium state of recovery. In support of this position, I quote the unanimous recommendation on Acceptable Biological Catch from the "Report of the Fourth Red Drum Stock Assessment Panel Meeting".

"Based on the best available data, the Panel concludes that the spawning stock is currently below 20 percent SPR, but is increasing. The SPR increase is directly related to the conservation measures implemented by the states. The projected estimate of Gulf-wide escapement rate for 1993 is over 40 percent, and therefore, it appears that the 30 percent rate is being approached by most of the states. If this projected rate of escapement is maintained, the Council's goal of a 20 percent SPR will be attained by at least 1997. Given that the conservation measures are producing the desired results and that the current estimate of SPR is below the Council's definition of overfishing at 20 percent SPR, the Panel recommends that the ABC be set at zero. In view of the apparent rates of recovery of the stock the Panel expects that an ABC will be set which will provide an EEZ harvest in the near future (Figure 6).

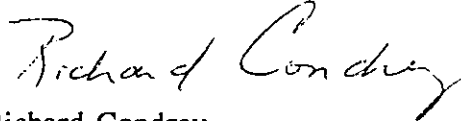
We wish to point out to the states and the Council that the attainment of 20 percent SPR will result in increased inshore and offshore abundances. This is expected. The states and the Council must be prepared to maintain these high levels of abundance and to resist pressures to lessen their conservation standards."

Mr. H. Blanchet  
2/1/95  
Page 3

I urge the Department to continue to support this unanimous recommendation of the RDSAP. The Panel has had a tremendously successful track record in the recovering of this valuable resource.

Thank you again for this opportunity. I am at your service if I can be of any further assistance.

Warmest personal regards,

A handwritten signature in cursive script that reads "Richard Condrey".

Richard Condrey  
Chairman, Red Drum Stock  
Assessment Panel and  
Associate Professor  
Coastal Fisheries Institute

RC/rl

cc: Wayne Swingle, Executive Director  
Gulf of Mexico Fishery Management Council

---



# State of Louisiana



Joe L. Herring  
Secretary

William S. "Corky" Perret  
Assistant Secretary

Department of Wildlife and Fisheries  
Office of Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000  
504/765-2384 2370  
January 24, 1995

Edwin W. Edwards  
Governor

## MEMORANDUM:

TO: Joe L. Herring, Secretary

FROM: Lee Caubarreux, Assistant Secretary *lee*

SUBJECT: Aviation Report - December 1994  
Total hours listed are:

PILOT		TOTAL HOURS
G. Rackle	-	35.4
B. Stamey	-	24.8
M. Windham	-	5.7
D. Clause	-	18.3
TOTAL HOURS	-	84.20

PLANE	FLIGHT HOURS	ESTIMATED <sup>1</sup> COST(TOTAL)	ACTUAL <sup>2</sup> COST(TOTAL)	COMMISSION METHOD
N61092 Amphib	- 19.7	2,307.46	1,464.50	4,116.32
70365 Float-DC	- 18.3	1,687.81	862.30	2,399.86
N2576K Float-MW	- 5.7	732.85	566.01	
N9467Y 210	- 13.2	1,474.97	1,283.83	2,729.89
N223MS Partenavia	- 24.8	3,896.58	2,582.66	6,757.50
N57266 Aero Commander	- 2.5			
TOTALS	84.20	10,099.67	6,759.30	16,003.57

<sup>1</sup>Estimated Cost is based on an historical average per flight hour.

<sup>2</sup>Actual Cost substitutes actual maintenance for the month for the average maintenance costs used in the previous figure. This is the only figure used in the calculation of estimated costs that varies significantly from month to month.

LGC:csg

cc: Debbie Unbehagen, Fiscal

DECEMBER 1994

PLANE: N223MS (PARTENAVIA)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
12/12/94	STAMEY	BR-SW COASTAL ZONE-BR: waterfowl survey	6.1	S. Durham B. Vermillion R. Helm
12/13/94	STAMEY	BR-S. CENTRAL COASTAL ZONE-BR: waterfowl survey	5.3	R. Helm B. Vermillion S. Durham
12/14/94	STAMEY	BR-SE COASTAL ZONE-BR: waterfowl survey	3.8	R. Helm B. Vermillion S. Durham
12/19/94	STAMEY	BR-FERRIDAY-BR: Miss. flyway waterfowl survey	7.6	J. Leslie
12/27/94	STANET	BR-NEW IBERIA-BR: coastal waterfowl, State WMA, Wax Lake, Atch. Delta, Marsh Island	1.3	G. Linscombe N. Kinler M. Carloss
12/30/94	STAMEY	BR-THREE RIUVERS WMA-JOYCE WMA-BR:	.7	T. Prickett
		TOTAL	24.8	

PLANE: N9467Y (210)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
12/6/94	RACKLE	BR-NEW IBERIA-COASTAL-NO: waterfowl survey	6.0	G. Linscombe N. Kinler M. Carloss
12/7/94	RACKLE	NO-ROCKEFELLER-COASTAL-NO: waterfowl survey	4.5	B. Wilson G. Perry
12/8/94	RACKLE	NO-COASTAL: DNR permits	0.5	T. Killeen
12/8/94	RACKLE	NO-BR: reposition	0.5	-----
12/21/94	RACKLE	BR-LOCAL-NO: reposition & IFR currency	1.7	-----
		TOTAL	13.2	

PLANE: N70365 (FLOAT-DC)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
12/15/94	CLAUSE	NI-REGION 5 AREA-NI: ducks	3.9	E. Broussard

12/19/94	CLAUSE	NI-REGION 5 AREA-NI: ducks	2.5	M. Davis M. Hebert
12/20/94	CLAUSE	NI-REGIONS 6, 9, 8-NI: oyster, catfish, DesAllemands	4.3	-----
12/22/94	CLAUSE	NI-REGION 5-NI: ducks	2.0	E. Broussard E. Campbell
12/28/94	CLAUSE	NI-REGION 8-NI: oysters, catfish, ducks	5.6	R. Martin
		TOTAL	18.3	

PLANE: N61092 (AMPHIB)

DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
12/5/94	RACKLE	NO-HOUMA-COASTAL-NO: DNR permits	1.9	D. Watson
12/9/94	RACKLE	NO-GALLIANO-COASTAL-NO: DNR permits	2.0	K. Kilgen
12/13/94	RACKLE	NO-COASTAL-NO: scaup survey	5.5	D. John K. Hemstedter
12/16/94	RACKLE	NO-HOUMA-COASTAL-NO: DNR permits	1.5	D. Watson
12/19/94	RACKLE	NO-COASTAL-NO: gill net survey	7.1	C. Perret J. Roussal
12/21/94	RACKLE	NO-COASTAL-NO: DNR permits	1.0	T. Killeen S. Schutz
12/21/94	RACKLE	NO-BR: 100 hr. inspection	.7	-----
		TOTAL	19.7	

PLANE: N2576K (FLOAT-MW)

DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
12/6/94	WINDHAM	NO-SALVADOR-NO: oil spill	1.6	I. Dares
12/15/94	WINDHAM	NO-PASS-A-LOUTRE-NO: Plaquemine Parish mitigation project	1.9	C.O.E. Personnel
12/23/94	WINDHAM	NO-COASTAL-NO: oil spill overflight	2.2	F&W Service Personnel
		TOTAL	5.7	

PLANE: N57266 (AERO COMMANDER)

DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
------	-------	-----------------------	-------	------------

12/15/94	RACKLE	BR-SHREVEPORT-BR: facility inspection and meeting	2.5	L. Caubarreaux
		TOTAL	2.5	

**DECLARATION OF EMERGENCY  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close the State's offshore waters, the Wildlife and Fisheries Commission hereby orders a closure of that portion of the State's Offshore Territorial Waters, from the Inside/Outside Shrimp Line as described in R.S. 56:495, out to three miles from the ~~western shore of Bayou Lafourche~~ west to the eastern shore of Freshwater Bayou effective at 12:01 a.m. Wednesday February 15, 1995. R.S. 56:498 provides that the minimum legal count on white shrimp is 100 (whole shrimp) count per pound after the third Monday in December. Historical and current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in much of the State's outside waters do not average 100 count minimum legal size or larger. This action is being taken to protect these small white shrimp and allow them the opportunity to grow to a more valuable size. The Wildlife and Fisheries Commission also hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open any portion of the State's Offshore Waters or open any special seasons to harvest overwintering white shrimp in the State's Inshore Waters as indicated by technical data derived from the Department's ongoing shrimp monitoring program and upon approval by the Commission's Shrimp Committee.

*the  
Atchafalaya  
River  
ship  
channel  
at Eugene  
Island*

*as  
delineated  
by ~~boundary~~  
the  
boundary  
line*

*river channel*

**1994 MANAGED DEER HUNTS**

STATE MANAGEMENT AREA	HUNTER EFFORT	DEER KILL	EFFORTS/KILL
ALEXANDER STATE FOREST	766	37	21
ATCHAFALAYA DELTA (ARCHERY)	793	32	25
ATTAKAPAS	64	4	16
BAYOU MACON (LOTTERY)	395	79	5
BENS CREEK	504	17	30
BIG LAKE	953	145	7
BODCAU	N/A	N/A	-
BOEUF	1638	189	9
BOISE-VERNON	1671	82	20
FORT POLK	3500	160	22
GRASSY LAKE	520	45	12
GEORGIA-PACIFIC	1981	137	15
JACKSON-BIENVILLE	2249	150	15
LOGGY BAYOU	314	27	12
OUACHITA	845	50	17
PASS-A-LOUTRE (ARCHERY)	935	53	18
PEARL RIVER	695	22	32
PEASON RIDGE	1019	60	17
POMME DE TERRE	192	11	18
RED RIVER/THREE RIVERS	2458	281	9
RUSSELL SAGE	1553	112	14
SABINE	530	32	17
DEWEY WILLS	1874	209	9
SALVADOR	797	98	8
SANDY HOLLOW	122	3	41
SHERBURNE (LOTTERY)	3560	449	8
SICILY ISLAND HILLS	249	11	23
SPRING BAYOU	264	21	13
THISTLETHWAITE (LOTTERY)	1475	64	23
TUNICA HILLS	700	32	22
UNION	3050	185	17
WEST BAY	2677	115	23

TOTALS	1994	38,343	2,912	13
	1993	38,335	3,106	12
	1992	42,334	3,303	13
	1991	46,545	3,443	14

## LOUISIANA WATERFOWL SEASON REPORT

1994-95

### REGULATIONS

Louisiana split the duck season and hunted under the conventional bag system (3/day). The number of duck hunting days was increased to 40, following the 6 previous years (since 1988) of 30 days. The West Zone duck season dates were November 12 to November 27 and December 17 to January 9. The East Zone seasons were November 19 to November 27 and December 17 to January 16. The Catahoula Lake Zone continued with a split season from November 19 to November 27 and December 10 to January 9. There was a statewide split season for goose hunting with season dates for snow and white-fronted geese from November 12 to December 4 and December 17 to February 1. A snow goose only season continued for 10 days to February 14. The 9 day Canada goose season in the southwest hunting zone, with a daily bag of 1 Canada goose, was conducted during January 18-26. A state-issued permit was required to hunt Canada geese during this season. This was the second year that this season was operational, following a 3 year experimental period. Louisiana also participated in the 9 day teal season from September 17-25. Conditional approval by the USFWS of bismuth/tin shot as nontoxic became effective December 30, 1994.

### WEATHER AND HABITAT CONDITIONS

The 1994 statewide annual rainfall was 59 inches, slightly above average and unchanged from 1993. There was considerable geographic variability in terms of rainfall patterns within the state: totals across northern parishes were above normal while accumulations in south Louisiana were below average. This year continued the trend of "wetter" years as statewide annual rainfall has been above average for 8 of the last 10 years. In the more important waterfowl regions of south Louisiana rainfall was well below normal from October through mid-December and limited wetlands availability. Rainfall increased in mid-December through January and provided good habitat conditions across most of the state during the post-hunting season period. Growing conditions were good for submergent vegetation in the coastal zone, but high water limited production of annual grasses and sedges. Unlike some of the more recent waterfowl wintering periods there were no dramatic climatic factors impacting wetland habitat and migration patterns. The biggest weather issue this year was basically "no weather". The exceptionally mild fall/winter in Louisiana and in northern states of the Flyway likely affected waterfowl migration greater than any other factor. Near record late freeze-up dates in several states and provinces delayed waterfowl migrations. There has not been a killing frost in the Louisiana coastal zone through January.

### WATERFOWL POPULATIONS AND HUNTER SUCCESS

Aerial surveys just prior to the September teal season indicated 136,000 blue-winged teal, well below the average of 300,000 during the previous 5 September surveys. Despite this low estimate timely migrations associated with cold fronts on opening morning and mid-week of the season provided good habitat conditions and an abundance of blue-wings. Hunting success was high and participation also appeared greater, partially related to the pleasant weather. Bag checks on WMAs indicated 300 hunters harvested 750 teal (91% BWT).

The estimate of total ducks recorded during each of the coastal zone surveys from November-January were well above long-term averages (range 3.1-4.4 million). Estimates of gadwall and green-winged teal were particularly high, mallards were generally below average and population estimates of other species near normal levels.

Mid-December counts for snow and white-fronted geese were 705,000 and 91,000, respectively, up 15% for snows and down 11% for white-fronts compared to 1993. The state snow goose count exceeded 600,000 for the first time in 1993, and here in December 1994 actually exceeded 700,000. The snow goose count was well above the previous 5 year average (491,000), while the white-fronted goose total was down 12% from the average of the previous 5 December surveys (104,000). The change in goose distribution in December away from the coastal zone continued with 56% of snows and 49% of white-fronts in non-coastal parishes.

Duck hunting success in southwest marshes was good initially, however lack of significant cold fronts and migrations reduced success. Hunting quality in the broad Mermentau Basin improved slightly this winter and was likely the best since 1990, but still well below the long-term. For the first time in several years ideal marsh water levels were maintained throughout most of the season in this area. Hunting in southern rice fields was particularly poor as related to reduced sheet water until late December. Marshes east of Calcasieu Lake continued to provide the best duck hunting in southwest Louisiana with gadwall, green-wings and an increased number of pintails in the bag. Hunting quality improved to the east with good success on the Atchafalaya and Mississippi River deltas and in the Bayou Penchant Basin. Hunting success in southeast marshes was particularly good this winter; likely the best in several years. Production of submergent vegetation in this region, extending into some brackish systems, was good and ducks responded. Swamp hunters in the Maurepas/Pontchartrain region reported poor success and few mallards. Noxious vegetation (water hyacinth, hydrilla, salvinia) are having a progressively negative impact on hunting quality and hunting access in the coastal zone each year.

Wetland conditions in most of central and northeast parishes were good. Sheet water was maintained in agriculture fields through most of winter by frequent rains. Field hunting was poor in most of central Louisiana but improved to the north with the best results just south of Monroe. Green-trees provided good hunting while success in some river bottoms (Ouachita system) was particularly poor. Hunting on Toledo Bend and on the Red River south of Shreveport was reported to be good. Waterfowl populations were consistently high in this region, and an increase of harvest is expected.

Catahoula Lake's annual drawdown in early July was accomplished on time this year. Waterfowl food plants were abundant and ideal water levels were maintained through most of the hunting season. Heavy rains in mid-December did, temporarily, cause a reduction in the number of dabblers on the Lake. Hunter success was good (2.2) through the season with green-wings, most common. The Lake is the site of the largest canvasback concentration in the state with 76,000 counted in mid-December and 61,000 in mid-January. Bag checks suggest low harvest of canvasback. There were no significant losses to lead poisoning on the Lake.

Despite high numbers of ducks recorded on each coastal zone survey and relatively good wetland conditions, hunting success was not as good as expected.



Many hunters expressed disappointment, which may have been partially related to unrealistic pre-season expectations as based upon an anticipated larger fall flight of ducks. The exceptionally mild winter both here and most of the remainder of the Flyway delayed duck migrations and daily movement patterns and likely had the most significant impact on duck hunting success in Louisiana. A duck harvest greater than 1993-94 is expected, primarily related to the 10 additional days of hunting opportunity.

## **RULE**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission hereby adopts a rule establishing visitor regulations for State Wildlife Refuge and Paul J. Rainey Refuge of the National Audubon Society.

## **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part III. State Game and Fish Preserves and Sanctuaries**

#### **Chapter 3. Particular Game and Fish Preserves and Commissions**

#### **§323. State Wildlife and Paul J. Rainey Refuges**

##### **A. Visitor Regulations for State Wildlife Refuge**

1. Use of the refuge will be allowed from official sunrise to official sunset. This includes access routes through the refuge.

2. Overnight camping is prohibited.

3. Hunting, pursuing, killing, molesting or intentionally disturbing any type of wildlife by the public is prohibited. This does not prohibit the Department of Wildlife and Fisheries from carrying out harvest programs for certain types of wildlife as specified in the Deed of Donation.

4. Commercial and recreational trawling on the refuge is prohibited. Recreational trotlines, jug lines, trammel nets, gill nets, hoop nets and fish and crab traps are prohibited. All commercial fishing and use of any commercial fishing gear on the refuge is prohibited. Twenty-five pounds of shrimp (heads on) per boat or vehicle per day is allowed during the inside open shrimp season as established by the Wildlife and Fisheries Commission.

Ten pounds of shrimp (heads on) for bait purposes may be caught during the closed season. Shrimp may be harvested only by cast net on the refuge and only for sport fishing or home consumption use. Containers are required to receive cast net catches to prevent littering and for safety purposes.

5. Crawfish may be harvested from the open portion of the refuge and 100 pounds per boat or vehicle is allowed per day. Set nets may be used but must be attended and removed from the refuge daily. No commercial harvest is allowed.

6. Crabs may be harvested from the open portion of the refuge; and 12 dozen crabs are allowed per boat or vehicle per day. A maximum of 12 crab nets are allowed per boat or vehicle. No commercial harvest is allowed.

7. Oysters may be harvested by tonging (properly licensed) or by hand collection from the natural reefs. One gallon per boat or vehicle per day is allowed and oysters must be opened at the reef and the shells returned to the reef. Taking of oysters on the reef is dependent upon Department of Health and Hospitals' approval and may be closed at any time by the Department of Wildlife and Fisheries.

8. The burning of the marsh by the public is prohibited. Water control structures shall not be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries.

9. Bringing firearms, bows and arrows, liquor and controlled dangerous substances (drugs) onto the refuge is prohibited. Personal companion animals (eg. dogs) are restricted

to boats or vehicles unless prior approval is obtained from the refuge supervisor. Upon probable cause a violation has occurred, all boats and vehicles are subject to search by all authorized employees of the Department of Wildlife and Fisheries.

10. Speed boat racing, air boats, hover craft, jet skis, and water skiing are prohibited. All boat traffic shall honor no wake zones and shall keep wave wash to a minimum. Pulling boats over or around levees, dams or water control structures is prohibited. The Department of Wildlife and Fisheries may further restrict specified areas of the refuge from public access or use.

11. No litter is allowed. Visitors must remove their litter or place litter in appropriate litter disposal sites. Damage to or removal of trees, shrubs and wild plants without prior approval is prohibited.

12. Commercial fishing gear or trawls shall not be permitted in possession while participating in sport fishing on the refuge. Commercial fishing gear may be in possession for nonstop access directly across refuge or for safe harbor only.

13. Department officials and enforcement officers shall have the duty and the right to restrict access to the refuge, even for the purpose herein enumerated, whenever the circumstances exist that such access may impair the primary purpose of the refuge as a wildlife refuge and sanctuary.

14. Violation of any part of this subsection constitutes a class two violation.

B. Visitor Regulations for Paul J. Rainey Refuge of the National Audubon Society

1. All visitors must be accompanied by a representative of the National Audubon Society.

2. Trespassing, hunting, pursuing, killing, molesting, fishing or intentionally disturbing any type of wildlife by the public is prohibited. This does not prohibit the National Audubon Society from carrying out harvest programs for certain types of wildlife as specified in the Deed of Donation.

3. Possessing firearms, bows and arrows, liquor and controlled dangerous substances (drugs) on the refuge is prohibited.

4. Upon probable cause a violation has occurred, all boats and vehicles are subject to search by all authorized employees of the Department of Wildlife and Fisheries.

5. Department officials and enforcement officers shall have the duty and the right to restrict access to the refuge, even for the purpose herein enumerated, whenever the circumstances exist that such access may impair the primary purpose of the refuge as a wildlife refuge and sanctuary.

6. Violation of any part of this subsection constitutes a class two violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 et seq. and R.S. 56:763.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21: (February 1995).

Perry Gisclair

Chairman

**NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76  
WILDLIFE AND FISHERIES**

**PART VII. FISH AND OTHER AQUATIC LIFE**

**CHAPTER 3. SALTWATER SPORT AND COMMERCIAL FISHING**

**SECTION 347. LICENSE MORATORIUM: SALTWATER GILL NETS, TRAMMEL  
NETS AND SEINES**

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to prohibit the issuance of new gear licenses for saltwater gill nets, trammel nets and seines pending the establishment by the Legislature of a limited entry program for these gears; provided, however, that the Department shall issue renewal licenses to those individuals currently holding valid licenses for the above enumerated gear.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., <sup>May</sup> ~~January 3, 1995~~ to Joe L. Herring, Department of Wildlife and Fisheries, Post Office Box 98000, Baton Rouge, LA 70898-9000.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:301.5.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR : ( ).

John "Jeff" Schneider  
Chairman

**RULE**  
**DEPARTMENT OF WILDLIFE AND FISHERIES**  
**WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76**  
**WILDLIFE AND FISHERIES**

**PART VII. FISH AND OTHER AQUATIC LIFE**

**CHAPTER 3. SALTWATER SPORT AND COMMERCIAL FISHING**

**SECTION 347. LICENSE MORATORIUM: SALTWATER GILL NETS, TRAMMEL NETS AND SEINES**

No additional 1995 gear licenses for saltwater gill nets, trammel nets or seines shall be issued; provided, however, that the Department shall issue renewal licenses to those individuals, persons, firms or corporations holding valid licenses for the 1994 license year for the above enumerated gear.

John "Jeff" Schneider  
Chairman

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:301.5.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR : ( ).



RICHARD P. LEYOUS  
ATTORNEY GENERAL

## State of Louisiana

DEPARTMENT OF JUSTICE

Baton Rouge

70804-9005

P.O. Box 94005  
TEL: (504) 342-7013  
FAX: (504) 342-7335

FEBRUARY 9 7 1995

### OPINION NO. 95-18

Mr. Joe L. Herring, Secretary  
Louisiana Department of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

Dear Secretary Herring:

Our office is in receipt of your December 1, 1994 letter in which you request an Attorney General's Opinion of whether the Louisiana Wildlife and Fisheries Commission ("Commission") has the authority to promulgate regulations imposing a moratorium on the issuance of new saltwater commercial gill net, trammel net, and fish seine gear licenses until such time as the Louisiana legislature adopts a limited entry program for those licenses. You have attached to your letter a proposed Declaration of Emergency which the Commission proposes to adopt to implement the moratorium.

The purpose for issuing the emergency regulation is found in the draft Declaration of Emergency whereby the Commission finds that sales of saltwater commercial gill net, trammel net, and seine gear licenses are increasing and greater levels of sales are expected in the near future. According to the draft Declaration, this could have negative social, economic, and management implications for fisheries utilizing these gears, and will have negative economic impacts on the fisherman currently using these gears. Further, according to the draft Declaration, both of these impacts constitute imminent peril to the public welfare of the State. While not stated in the Declaration, according to the minutes of the December 1, 1994 Commission Board Meeting, the increase and anticipated increase in sales is a result of an "invasion of gill nets" resulting from an "onslaught of fisherman coming into Louisiana". Ostensibly, a major cause of this increase in fisherman coming into Louisiana is the result of Florida banning the use of entangling nets in Florida in-shore waters.<sup>1</sup> Since the Commission believes the increase in license sales constitutes imminent peril to the public welfare of the State, it is considering adopting the moratorium as an emergency rule pursuant to R.S. 49:953(B)(1), thereby by-passing the more time consuming requirements of the normal rule making procedure.

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<sup>1</sup> Article X, Section 16 of the Florida Constitution, approved in November, 1994, The Advocate, 1/6/95, page 8D



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Mr. Joe L. Herring, Secretary  
Department of Wildlife & Fisheries  
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Your question can more specifically be stated as whether the Commission has the legal authority to suspend the issuance of certain new fisheries licenses, and if so, whether the draft Declaration of Emergency is legally sufficient to accomplish that suspension through the emergency rule making procedures provided in R.S. 49:953B(1).

Article IX, Section 1 of the Louisiana Constitution provides:

The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy.

Article IX, Section 7 provides: "The control and supervision of the Wildlife of the State, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission". This section further states that "the functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law." Thus, the Constitution provides a balancing between the independent Wildlife and Fisheries Commission's control and supervision over the wildlife of the state and the legislature's ultimate responsibility over the natural resources of the state. Given the language of Article IX that the functions, duties, and responsibilities of the Commission shall be as provided by law, the Commission's authority is subject to the direction of the legislature.<sup>2</sup>

Title 56 of the Louisiana Revised Statutes provides the general provisions for wildlife and fisheries. Through this title, the Louisiana legislature has enacted a legislative scheme for the taking of fish and wildlife including several sections delineating the functions, duties, and responsibilities of the Commission.

These sections include Section 1A: "... all aquatic life is placed under the supervision and control of the Louisiana Wildlife and Fisheries Commission . . ."; Section 2: "The Commission shall have sole authority to establish definite management programs and policies . . ."; Section 3A: "... fish [and] other aquatic life . . . shall be under the exclusive control of the Wildlife and Fisheries Commission . . ."; Section 6 (10): "[ The Commission] shall for the comprehensive control of birds, shellfish, finfish, and wild quadrupeds, adopt rules and regulations not inconsistent with the provisions of this part . . ."; Section 6 (15): "In general [the Commission] has full power and control . . . over all fish, whether salt or freshwater . . ."; Sections 6(26): "[The Commission] [s]hall promulgate rules and regulations . . . to set seasons, times, places, size limits, quotas, daily take, and

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<sup>2</sup> Aguillard v. Treen, 440 So.2d 704 (La. 1983).

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possession limits . . ."; Section 326.3: "[T]he commission may set possession limits, quotas, places, seasons, times, size limits, and daily take limits . . ."; and Section 638.5: "The Commission shall adopt such rules and regulations . . . for the harvesting, conservation, and management of all species of saltwater finfish, in accordance with [certain] standards:" One such standard allows the Commission, "if it becomes necessary", to allocate or assign fishing privileges among various fishermen. As can be seen by these grants of authority, it is clear the legislature intended that the Commission have broad authority to protect and properly manage the fisheries.

Part VI of Title 56<sup>3</sup> provides a comprehensive licensing scheme for recreational and commercial fishing. For commercial fishing it provides for the commercial fisherman's license, vessel license, wholesale/retail dealer's license, transport license, and gear license. A fisherman must acquire one or more of these licenses to commercially fish in Louisiana waters. R.S. 56:305.1 requires commercial fisherman to purchase a commercial gear license in order to use gill nets, trammel nets, or seines. Nowhere in this part, nor elsewhere in Title 56, does the legislature specifically provide for any type of moratorium on the issuance of licenses, although R.S. 56:301.5 gives the Commission the authority to ". . . promulgate rules and regulations concerning any aspect of licensing not specifically provided for in this part." As a licensing moratorium is not provided for in Part VI, it therefore falls within the confines of R.S. 56:301.5. Reading the broad authority granted to the Commission to protect and properly manage the fisheries along with the specific grant of authority to the Commission over aspects of licensing not specifically provided for elsewhere, it is clear the Commission has the authority to issue regulations placing a moratorium on the issuance of new commercial fishing gear licenses.

It is, therefore, the opinion of this Office that the Wildlife and Fisheries Commission has the legal authority to suspend the issuance of new commercial gill net, trammel net, and seine gear licenses.

The second part of your request asks whether the draft Declaration of Emergency is legally sufficient to accomplish the suspension of new licenses as an emergency rule pursuant to R.S. 49:953B(1).<sup>4</sup> The normal rulemaking procedure of the Administrative Procedure Act ("APA") is found in R.S. 49:953A. Its features include notice, hearing, and public participation. Emergency rulemaking is an extraordinary exception to this norm, in that the executive agency unilaterally dispenses with

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<sup>3</sup> R.S. 56:301 et seq.

<sup>4</sup> R.S. 49:967D is inapplicable as it only applies to setting certain seasons and size limits. Op.Atty.Gen., No. 88-102, March 9, 1988.

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Department of Wildlife &amp; Fisheries

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these legal requirements and safeguards. R.S. 49:953B(1) provides, in pertinent part: "If an Agency finds that an imminent peril to the public health, safety or welfare requires adoption of a rule upon shorter notice than that provided in R.S. 49:953A . . . , it may proceed without prior notice and hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule . . ." The abbreviated notice for emergency rulemaking is less substantive and burdensome than that for the normal rule making process provided for in R.S. 49:953A, and allows any abbreviated notice which is practicable. "Imminent" means the peril to the public health, safety or welfare will occur prior to adoption of a permanent rule by the normal rule making procedure. Op.Atty.Gen., No. 90-226, May 25, 1990 and No. 90-226A, July 2, 1990.

Where valid grounds for invoking the emergency process are present, the content of the notice and procedure for hearing the emergency rule may be waived as necessary by the agency. However, the notice for an emergency rule must memorialize the grounds for the departure from the legislatively preferred procedure by stating facts which, if presumed true, constitute one of the harms included in Section 953B(1), one of which is imminent peril to the public health, safety or welfare. The notice for an emergency rule is the only notice the public will receive of the emergency and therefore, must within the notice itself, contain sufficient facts to inform the public of the emergency which allows the agency to bypass the normal rulemaking process. Thus, the emergency must exist and it must be factually described in the notice. It must also conform to one of the types of legal emergencies for which Section 953B(1) exclusively authorizes emergency rulemaking. Failure of an emergency rule to meet this requirement renders the rule null.

The factual basis underlying the imminent peril to the public health, safety or welfare justifying the emergency rule to place a moratorium on the issuance of certain commercial gear licenses, as provided in the draft Declaration, is that "sales of the above gear are increasing and even greater level of sales are anticipated in the near future". The draft Declaration then concludes, based on these facts, that negative social, economic, and management implications of the fisheries utilizing these gears could occur and negative economic impacts on the fisherman using these gears will occur.

These are the only facts presented in the draft Declaration and are therefore the only facts which may be considered to determine whether imminent peril exists justifying use of the emergency rulemaking procedure. Stated slightly differently, the peril imminent to the public health, safety and welfare is the possibility of a negative impact on the fisheries utilizing these gears and the negative economic impacts on the fisherman resulting from an increase in the sales of certain gear licenses. Certainly inherent in a licensing system such as the one for commercial fishing are annual

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Mr. Joe L. Herring, Secretary  
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fluctuations in the number of licenses issued.<sup>5</sup> There is nothing within the language of the draft Declaration indicating this years increase is an abnormal increase in license sales or, for that matter, the facts supporting the Commission's belief this years increase will result in negative impacts on the fisheries and the fishermen. Even presuming the facts as true, the statement in the draft Declaration is not factually sufficient to describe such imminent peril to the public health, safety and welfare justifying use of the emergency rulemaking provision. Statements made during the December 1, 1994 Commission Board Meeting indicate an expectation that there will be an abnormal increase in the number of nonresident fisherman purchasing Louisiana fishing licenses and fishing in Louisiana waters. There is also factual information indicating this increase is a result of Florida banning the use of certain nets in Florida waters.<sup>6</sup> Certainly, these additional facts provide more grounds for the belief that increased sales will result in imminent peril, and if included in the Draft Declaration may be sufficient to justify use of an emergency rule, but as these facts were not included they cannot be considered. We cannot conclude, solely from the language of the draft Declaration, that a sufficient factual basis exists to allow use of the emergency rulemaking provision.

The notice of intent for an emergency rule is intended to be a self-contained document, containing all necessary information mandated by the APA to constitute the requisite legal notice. In addition to containing the substantive factual basis constituting the emergency, it must also contain the applicable procedural information required by the APA. This includes the fiscal impact statement or economic impact statement required by R.S. 49:953A(1)(a)(ii) or (iii). We have not been provided with this information and do not know if the Commission intends to include it in the notice of intent. If the procedural information required pursuant to the APA is not included, the emergency rule will be invalid.

Additionally, an emergency rule must conform to the time constraints of R. S. 49:954B(2), which limits the effective period of the rule to no longer than one hundred twenty days. The draft Declaration states that the prohibition on the issuance of new licenses shall remain in effect until a limited entry program is adopted by the Louisiana Legislature. As there is no guarantee the Legislature will adopt a limited entry program or do so within one hundred and twenty days, the draft Declaration is in contravention of R.S. 49:954B(2), and for this reason would also be invalid.

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<sup>5</sup> According to statistics provided by the Department of Wildlife and Fisheries, 985 commercial saltwater gill net licenses were issued for 1993 and 1144 for 1994. There were 641 mullet licenses issued for 1993 and 777 for 1994.

<sup>6</sup> The Advocate, 1/6/95, Section D, page 8.

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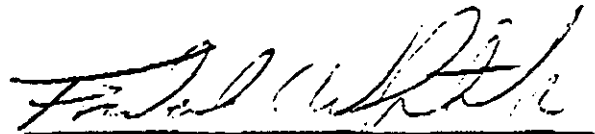
For the reasons stated above, it is the opinion of this Office that the Commission has the authority to place a moratorium on the issuance of new commercial gill net, trammel net, or seine gear licenses and may do so through the emergency rulemaking provisions of the Administrative Procedure Act, provided the requirements of the emergency rulemaking provisions are met. It is further the opinion of our Office that the draft Declaration of Emergency, as written, does not contain sufficient factual information to conclude that an emergency exists allowing use of the emergency rulemaking provisions. Additionally, an emergency rule would need to meet the applicable procedural requirements and be limited to an effective period of no more than one hundred twenty days.

I trust this opinion answers your questions. Should you need further assistance in this matter, please do not hesitate to contact our office.

Very truly yours,

RICHARD P. IEYOUB  
ATTORNEY GENERAL

BY:



FREDERICK C. WHITROCK  
Assistant Attorney General

RPI/FCW/tp

**CIVIL RESTITUTION REPORT  
FEBRUARY, 1995 COMMISSION MEETING**

In January 55 cases were assessed for a value of \$27,601; during this same period we received payment on 52 outstanding cases totalling \$12,414.

In January we also generated and mailed 32 Notifications of Disposition based on adjudication notices received from the hearing officer.

Monies received through court orders as fines increased by \$200 in January bringing the total received to \$16,875.

# MONTHLY CIVIL RESTITUTION REPORT

PERIOD	NO. CASES ASSESSED	AMOUNT ASSESSED	CREDIT FOR NO. CASES SALE GOODS PAID	AMOUNT PAID	DISCOUNTS TAKEN	Per Cent Dollars Paid	Per Cent Cases Paid
July, 1992	105	26,553	(10,515)	5,578			
Aug, 1992	137	26,153	(3,241)	5,292			
Sept., 1992	214	34,341	(3,245)	6,186			
Oct., 1992	346	238,388	(19,670)	8,310	292		
Nov., 1992	34	17,264		11,744	4,651		
Dec, 1992	122	76,371	(7,012)	5,042	1,275		
Jan, 1993	77	35,470	(979)	7,389	3,799		
Feb, 1993	40	10,787		13,141	6,941		
March, 1993	37	15,552	(1,876)	13,479	5,848		
April, 1993	24	8,418	(10,809)	5,000	2,379		
May, 1993	21	16,063	(1,599)	5,704	2,381		
June, 1993	40	23,637	(7,454)	8,356	4,077		
Total FY 93	1,197	528,997	(66,400)	95,221	31,643	36.5%	85.9%
July, 1993	25	21,039	(9,778)	4,855	2,545		
August, 1993	53	44,922	(1,137)	7,950	3,603		
Sept., 1993	42	137,635	(17,938)	6,783	3,048		
October, 1993	49	21,471	(11,282)	3,285	1,519		
Nov., 1993	57	31,207	(13,260)	3,053	2,845		
Dec., 1993	53	13,777	0	6,507	6,713		
Jan., 1994	38	18,918	0	4,423	2,831		
Feb., 1994	68	38,131	(8,238)	9,124	5,993		
March, 1994	38	22,739	(2,482)	10,854	6,796		
April, 1994	14	44,732	(1,404)	7,307	4,632		
May, 1994	10	4,504	(165)	5,447	3,808		
June, 1994	29	26,167	(2,986)	1,886	1,214		
Total FY 94	476	425,242	(68,670)	71,474	45,547	43.6%	79.6%

## FISCAL YEAR 1994-95

July, 1994	17	2,127	(335)	2,101	1,437		
August, 1994	41	96,403	(3,035)	1,010	605		
Sept., 1994	34	14,614	(14,002)	2,596	2,342		
Oct., 1994	94	17,426	(8,677)	2,922	3,179		
Nov., 1994	43	103,592	0	3,992	2,803		
Dec., 1994	68	31,400		4,315	2,329		
Jan., 1995	55	27,601		7,493	4,921		
Feb., 1995							
March, 1995							
April, 1995							
May, 1995							
June, 1995							
Total FY 95	352	293,163	(26,049)	24,429	17,616	23.2%	81.6%

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CIVIL RESTITUTION ACTIVITY REPORT

DATE: 31-JAN-1995

INCEPTION TO DATE  
01/31/1995CURRENT MONTH  
01/01/1995 TO 01/31/1995FISCAL YEAR TO DATE  
07/01/1994 TO 01/31/1995

	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	55	\$27,601.42	352	\$293,163.34	2,366	\$1,573,789.46
SALE OF CONFISCATED COMMODS	0	\$0.00	35	\$25,284.65	331	\$269,865.45
SALES EXCEEDING RESTITUTION	0	\$0.00	17	\$12,469.54	148	\$71,979.21
RESTITUTION ASSESSED	55	\$27,601.42	352	\$280,348.23	2,366	\$1,375,903.22
PAYMENTS	52	\$7,493.29	223	\$24,429.04	1,478	\$199,632.43
OVERPAYMENTS	2	\$15.30	15	\$694.74	45	\$897.74
DISCOUNTS FOR TIMELY PAYMENTS	48	\$4,921.50	210	\$17,616.71	867	\$97,210.16
REFUNDS	2	\$2,226.87	12	\$2,904.40	21	\$6,483.09
APPLIED CONFISCATED COMMODS	0	\$0.00	0	\$0.00	0	\$0.00
REMUNERATION REFUNDS	2	\$12,174.10	3	\$26,774.00	8	\$38,771.35
RETURNED CHECKS	1	\$35.95	1	\$35.95	2	\$36.75
MISC. ADJUSTMENTS	1	\$20.00	1	\$20.00	2	\$35.00
DEBITS	0	\$0.00	0	\$0.00	0	\$0.00
CREDITS	1	\$23.40	2	\$491.21	14	\$3,492.55
REASSESSMENTS	0	\$0.00	2	\$624.21	37	\$10,687.01
WRITE-OFFS	0	\$0.00	1	\$0.01	179	\$258,968.33
ASSESSMENTS WITHDRAWN	0	\$0.00	1	\$288.00	5	\$874.70
FOUND NOT RESPONSIBLE	7	\$17,275.20	7	\$17,275.20	7	\$17,275.20
CASES VOIDED BY ENFORCEMENT	0	\$0.00	0	\$0.00	2	\$97.80
** TOTAL OUTSTANDING					632	\$840,874.07

## FOOTNOTE:

PAYMENTS FROM COLLECTION EFFORT  
AMOUNT PAID TO COLLECTOR

0	\$0.00	0	\$0.00	32	\$10,560.13
	\$0.00		\$0.00		\$2,640.03

## AGING OF OUTSTANDING CASES

## CAN NOT BE INVOICED

CAN NOT BE INVOICED	CASES	AMOUNT
1 - 30 DAYS	5	\$1,713.12
31 - 60 DAYS	40	\$22,497.47
61 - 90 DAYS	71	\$42,552.44
91 - 120 DAYS	38	\$103,011.42
121 - 150 DAYS	83	\$37,515.28
151 - 180 DAYS	76	\$270,085.80
181 - 365 DAYS	74	\$128,633.16
CASES SENT FOR COLLECTION	191	\$167,135.36
OVER 1 YEAR PENDING	0	\$0.00
OVER 1 YEAR (OTHER)	54	\$68,235.27

\*\* TOTAL AGING

\$841,379.32



LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CLASS I ACTIVITY REPORT

DATE: 31-JAN-1995

	CURRENT MONTH 01/01/1995 TO 01/31/1995		FISCAL YEAR TO DATE 07/01/1994 TO 01/31/1995		INCEPTION TO DATE 01/31/1995	
	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
FINES	264	\$13,500.00	3,851	\$197,605.00	37,088	\$1,880,952.07
HEARING COSTS	1	\$25.00	1,564	\$39,102.00	9,099	\$227,482.00
DEBITS	0	\$0.00	0	\$300.00	0	\$975.00
CREDITS						
TOTAL DUE		\$13,525.00		\$236,407.00		\$2,107,459.07
PAID IN FULL	128	\$6,525.00	2,528	\$129,147.75	19,244	\$982,870.25
PARTIAL PAYMENTS	6	\$265.00	139	\$5,803.83	547	\$23,493.09
OVERPAYMENTS	1	\$50.00	26	\$1,272.75	286	\$13,172.43
REFUNDS	0	\$0.00	7	\$325.00	46	\$2,833.00
RETURNED CHECKS	0	\$0.00	4	\$200.00	23	\$1,150.00
MISC CHANGES						
DEBITS	0	\$0.00	4	\$80.00	23	\$370.00
CREDITS	0	\$0.00	21	\$15.92	100	\$101.32
ADJUSTMENTS TO VIOLATION						
DEBITS	1	\$50.00	7	\$450.00	53	\$3,000.00
CREDITS	0	\$0.00	1	\$0.00	6	\$250.00
VOIDS	6	\$150.00	254	\$10,670.25	1,748	\$69,856.88
NOT GUILTY	1	\$50.00	75	\$3,300.00	343	\$17,025.00
TOTAL OUTSTANDING						\$1,034,387.96

AGING OF OUTSTANDING CASES  
FROM CITATION DATE

FROM CITATION DATE	# CASES	AMOUNT
0 - 30 DAYS	129	\$6,650.00
31 - 60 DAYS	0	\$0.00
61 - 90 DAYS	0	\$0.00
91 - 120 DAYS	0	\$0.00
121 - 150 DAYS	0	\$0.00
151 - 180 DAYS	0	\$0.00
181 - 365 DAYS	0	\$0.00
OVER 1 YEAR UNCOLLECTABLE	3,296	\$207,247.50
OVER 1 YEAR PENDING	0	\$0.00
OVER 1 YEAR (OTHER)	12,593	\$820,515.46

AGING OF OUTSTANDING CASES  
FROM HEARING DATE

FROM HEARING DATE	# CASES	AMOUNT
PRE HEARING	690	\$35,150.00
0 - 90 DAYS	1,649	\$82,500.00
91 - 180 DAYS	0	\$0.00
181 - 270 DAYS	0	\$0.00
271 - 365 DAYS	3,284	\$215,227.50
OVER 1 YEAR UNCOLLECTABLE	0	\$0.00
OVER 1 YEAR PENDING	0	\$0.00

**ENFORCEMENT CASE REPORT**

**JANUARY 1995**

**ENFORCEMENT CASE REPORT-JANUARY 1995**

**REGION I**

**TOTAL CASES-46**

**ENFORCEMENT-46**

**OTHER - 0**

3-Boating

2-Fish W/O Resident Pole License

6-Hunting W/O Resident License

1-Bow Hunt W/O Bow License

4-Hunting From Moving Vehicle And/Or Aircraft

2-Hunting W/Unplugged Gun Or Silencer

2-Hunt From Public Road Or Road Right-Of-Way

2-Hunt W/O Resident Big Game License

6-Hunt Or Take Deer Illegal Hours Or With Artificial Light

6-Hunt Or Take Deer From Public Road

3-Hunt Or Take Illegal Deer Open Season

1-Possession Of Illegally Taken Deer

1-Taking Or Possession Of Other Non-Game Birds-No Season

1-Littering

4-Other Than Wildlife And Fisheries

2-Operate ATV On Public Road

**CONFISCATIONS:**

1 Button buck, 1 rifle.

**GRAND TOTAL OF EACH CATEGORY FOR REGION I:**

3-Boating

4-Misc.

5-Fishing

33-Hunting

1-MGB

**REGION 2**

**TOTAL CASES-91**

**ENFORCEMENT-91**

**OTHER - 0**

11-Boating

3-Angling W/O A License

1-Angling W/O A License Non-Resident

2-Fish W/O Resident Pole License

1-Transport W/O Required License

4-Hunting W/O Resident License

1-Hunting W/O Non-Resident License

2-Failure To Abide By Commission Rules

6-Hunting From Moving Vehicle And/Or Aircraft

4-Hunt From Public Road Or Road Right-Of-Way

1-Hunt MGB W/O State Stamp

1-Hunt W/O Resident Big Game License

4-Hunt W/O Non-Resident Big Game License

1-Hunt Deer Closed Area

4-Hunt Or Take Deer Illegal Hours

10-Hunt Or Take Deer From Public Road

4-Hunt Or Take Illegal Deer Open Season

1-Hunt Or Take Deer W/Illegal Weapon

1-Possess Over Limit Of Deer

2-Possession Of Illegally Taken Deer

1-Fail To Wear Hunters Orange

1-Hunt Turkey Closed Season

3-Hunt Raccoons Or Opossums Illegally

**REGION 2 CONT'D.**

1-Possessing F.B.A. W/O License

2-Trap Or Sell F.B.A. Or Parts W/O Res. Or Non-Res. License

1-Possession Of Live Non-Game Quadrupeds W/O Permit

2-Possess Untagged MGB

2-Using Lead Shot In Area Designated As Steel Shot Only

3-Hunt MGB Without State Stamp

1-Littering

1-Flight From An Officer

1-Reckless Operation Of A Vehicle

10-Discharge Firearm From Public Road

**CONFISCATIONS:**

1 coyote trapping permit, 6 rifles, 1-1987 Nissan Vehicle, 1 fishing and hunting licenses, 5 deer, 6 ducks.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 2:**

11-Boating

52-Hunting

6-Fishing

9-Federal

13-Other

**REGION 3**

**TOTAL CASES-52**

**ENFORCEMENT-52**

**OTHER - 0**

4-Boating

4-Angling W/O A License

1-Angling W/O A License Non-Resident

2-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License Non-Resident

3-Take/Poss. Undersize Cml. Finfish

4-Hunting W/O Resident License

2-Hunting From Moving Vehicle And/Or Aircraft

2-Hunt MGB W/O State Stamp

5-Hunt Raccoons Opossums Illegally

3-Hunting Ducks Or Geese W/O Federal Stamp

3-Hunting MGB Illegal Hours

1-Hunting MGB Over Baited Area

3-Using Lead Shot In Area Designated As Steel Shot Only

1-Possession Over Limit Of Ducks

6-Not Abiding By Rules And Regs. On WMA

2-Littering

4-Operate ATV Vehicle On Public Road

1-Discharge Firearm From Public Road

**CONFISCATIONS:**

14 ducks, 7 raccoons, 1 squirrel, 22 undersize catfish.

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**REGION 3 CONT'D.**

**GRAND TOTAL OF EACH CATEGORY FOR REGION 3:**

4-Boating

30-Hunting

11-Fishing

7-Misc.

**REGION 4**

**TOTAL CASES-84**

**ENFORCEMENT-67**

**OTHER -17**

- 2-Boating
- 2-Fish W/O Resident Pole License
- 1-Use Gear W/O Recreational Gear License
- 6-Hunting W/O Resident License
- 3-Hunting From Moving Vehicle And/Or Aircraft
- 3-Hunting W/Unplugged Gun Or Silencer
- 2-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 1-Hunt From Public Road Or Road Right-Of-Way
- 5-Hunt MGB W/O State Stamp
- 6-Hunt W/O Resident Big Game License
- 4-Hunt Deer Closed Area
- 3-Running Deer Dogs During Still Hunt Season
- 2-Fail To Wear Hunters Orange
- 3-Hunt Raccoons Or Opossums Illegally
- 1-Take Foxes Or Bobcats Illegally
- 5-Hunting Ducks Or Geese W/O Federal Stamp
- 1-Hunting MGB With Unplugged Gun
- 5-Wanton Waste Of MGB
- 14-Using Lead Shot In Area Designated As Steel Shot Only
- 5-Possess Over Limit Of Ducks
- 6-Not Abiding By Rules And Regs. On WMA
- 1-Resisting An Officer
- 3-Trespass On Property After Forbidden



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**REGION 4 CONT'D.**

**CONFISCATIONS:**

3 guns, 16 ducks, 1 rabbit, 1 bobcat.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 4:**

2-Boating

3-Fishing

39-Hunting

30-Federal

6-WMA

4-Other

**REGION 5**

**TOTAL CASES-83**

**ENFORCEMENT-73**

**OTHER -10**

13-Boating

2-Angling W/O A License

2-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish

3-Fail To Have Commercial Lic. In Poss.

1-Transport W/O Required Lic.

4-Take Or Poss. Undersize White Shrimp

7-Hunting W/O Resident License

1-Hunting W/O Non-Resident License

5-Hunting From Moving Vehicle And/Or Aircraft

3-Hunting W/Unplugged Gun Or Silencer

4-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

6-Hunt MGB W/O State Stamp

1-Hunt W/O Non-Resident Big Game Lic.

1-Taking or Possessing Alligators Closed Season

4-Hunting Ducks Or Geese W/O Federal Stamp

7-Hunting MGB Illegal Hours

1-Possess Untagged MGB

1-Transport Completely Dressed MGB

6-Using Lead Shot In Area Designated As Steel Shot Only

1-Hunting Ducks Closed Season

1-Littering

1-Poss. Of Firearm Of Convicted Felon

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**REGION 5 CONT'D.**

**CONFISCATIONS:**

1-5 1/2 foot alligator, 2 geese, 2 rabbits, 5 guns, 10 ducks, 59 fish, 20,825 lbs. of shrimp sold for \$9,757.95.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 5:**

13-Boating

48-Hunting

12-Fishing

10-Other

**REGION 6**

**TOTAL CASES-196**

**ENFORCEMENT-184**

**OTHER - 12**

**31-Boating**

**8-Angling W/O A License**

**2-Fish W/O Resident Pole License**

**5-Take Illegal Size Black Bass**

**1-Failure To Tag Sacked Or Containerized Oysters**

**10-Hunting W/O Resident License**

**32-Hunting From Moving Vehicle And/Or Aircraft**

**2-Hunting W/Unplugged Gun Or Silencer**

**12-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours**

**2-Fail To Obey Cease Harassment Order**

**14-Hunt From Public Road Or Road Right-Of-Way**

**5-Hunt Or Discharge Firearm From Levee Road**

**1-Possession Of Wild Quadrupeds Or Wild Birds W/O Permit**

**1-Hunt MGB W/O State Stamp**

**2-Fail To Comply W/Hunter Safety Regulations**

**2-Hunt W/O Resident Big Game License**

**13-Hunt Or Take Deer Illegal Hours**

**6-Hunt Or Take Deer From Public Road**

**3-Hunt Or Take Deer Illegally From A Boat**

**1-Hunt Or Take Illegal Deer Open Season**

**2-Hunt Or Take Deer W/Illegal Weapon**

**2-Possession Of Illegally Taken Deer**

**5-Fail To Wear Hunters Orange**

**REGION 6 CONT'D.**

1-Hunt/Trap On DMAP Lands W/O Permit From Owner/Lessee

1-Take Non-Game Quadrapeds Illegally

2-Hunting Ducks Or Geese W/O Federal Stamp

1-Hunting MGB With Unplugged Gun

9-Hunting MGB Illegal Hours

4-Using Lead Shot In Area Designated As Steel Shot Only

1-Possess Over Limit Of Ducks

3-Not Abiding By Rules And Regs. On WMA

2-Illegal Spotlighting From A Public Road

1-Littering

1-Other Than Wildlife And Fisheries

1-Violation Of Sanitary Code-Chapter 9

7-Discharge Firearm From Public Road

**CONFISCATIONS:**

15 guns, 7 raccoons, 5 black bass, 8 deer, 1988 Dodge Pickup, 1992 Mazda Pickup, 11 pints of oysters, 2 squirrels, 12 ducks, 1984 Olds. Cutlass, 10 nutrias, 1 rabbit.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 6:**

31-Boating

151-Hunting

11-Fishing

3-Misc.

**REGION 7**

**TOTAL CASES-142**

**ENFORCEMENT-142**

**OTHER - 0**

6-Boating

12-Angling W/O A License

3-Angling W/O A License Non-Resident

5-Fish W/O Resident Pole License

4-Use Gear W/O Recreational Gear License

1-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License

2-Fail To Maintain Records

1-Buy Commercial Fish From Un-Lic. Fisherman

1-Failure To Fill Out Oyster Tags Correctly

1-Failure To Tag Sacked Or Containerized Oysters

4-Hunting W/O Resident License

18-Hunting From Moving Vehicle And/Or Aircraft

8-Hunting W/Unplugged Gun Or Silencer

7-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

11-Hunt From Public Road Or Road Right-Of-Way

1-Hunt MGB W/O State Stamp

1-Fail To Comply W/Hunter Safety Regs.

4-Hunt W/O Resident Big Game Lic.

3-Hunt Or Take Deer Illegal Hours

5-Hunt Or Take Deer From Public Road

22-Hunt Or Take Illegal Deer Open Season

1-Possess Over Limit Of Deer

4-Fail To Wear Hunters Orange

**REGION 7 CONT'D.**

1-Possessing F.B.A. W/O License

1-Hunting Ducks Or Geese W/O Federal Stamp

1-Using Lead Shot In Area Designated As Steel Shot Only

2-Hunting Doves Closed Season

2-Hunting Ducks Closed Season

4-Not Abiding By Rules And Regs. On WMA

2-Illegal Spotlighting From Public Road

4-Violation Of Sanitary Code-Chapter 9

**CONFISCATIONS:**

3 rabbits, 1 raccoon, 4 deer, 2 ducks, 2 mink, 13 guns, 10 coots, 3 teal, 9 doves, 50 lbs. of fish.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 7:**

6-Boating

30-Fishing

146-Hunting

10-Other

**REGION 8**

**TOTAL CASES-205**

**ENFORCEMENT-186**

**OTHER - 19**

- 13-Boating
- 7-Angling W/O A License
- 5-Angling W/O A License Non-Resident
- 1-Use Gear W/O Recreational Gear License
- 3-Angling W/O Saltwater License
- 4-Angling W/O Saltwater License Non-Resident
- 1-Take Or Poss. Game Fish Illegally
- 8-Poss. O/L Of Red Drum
- 5-Take Or Poss. Undersized Red Drum
- 5-Take Or Poss. Undersized Black Drum
- 1-Take Or Poss. O/L Black Drum
- 4-Not Abiding By Commission Rules
- 7-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License
- 3-Take Commercial Fish W/O Commercial Gear License
- 8-Take Or Poss. Commercial Fish W/O Vessel License
- 1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
- 1-Fail To Maintain Records
- 1-Transport W/O Required License
- 8-Leave Nets Unattended
- 3-Take/Poss. Undersize Cml. Finfish
- 1-Fail To Mark Crab Containers
- 1-Permit Unlicensed Person To Operate Commercial Vessel
- 2-Permit Unlicensed Person To Use Commercial Gear



**REGION 8 CONT'D.**

**2-Take/Possess Oysters W/O Oyster Harvester License**

**5-Failure To Mark/Tag Nets**

**1-Theft Of Crab Trap**

**2-Possess Or Sell Undersized Crabs**

**2-Violation Of Mullet Regulations**

**1-Sale Of Reptiles Or Amphibians W/O Collectors License**

**4-Failure To Have Written Permission**

**1-Failure To Display Proper Number On Vessel**

**4-Harvest Oysters W/O Oyster Harvester License**

**2-Harvest Oysters From Unmarked Lease**

**2-Hunt W/O Resident Big Game License**

**2-Failure To Wear Hunters Orange**

**1-Illegal Poss. Of Alligators W/O Permit**

**1-Fail To Comply W/Alligator Parts**

**2-Hunt Raccoons Or Opossums Illegally**

**2-Criminal Trespass**

**1-Other Than Wildlife**

**1-Operate ATV On Public Road**

**1-Flight From An Officer**

**8-Violation Of Sanitary Code-Chapter 9**

**3-Discharge Firearm From Public Road**

**1-Not Abiding By Rules And Regs. On WMA**

**4-Hunting W/O Resident License**

**4-Possess Wild Birds Or Wild Quadrupeds W/O A License**

**2-Failure To Abide By Commission Rules**

**REGION 8 CONT'D.**

- 8-Hunting From Moving Vehicle And/Or Aircraft
- 2-Hunting W/Unplugged Gun Or Silencer
- 19-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 6-Hunt From Public Road Or Road Right-Of-Way
- 2-Hunt Or Discharge Firearm From Levee Road
- 1-Hunt MGB W/O State Stamp
- 1-Hunting Ducks Or Geese W/O Federal Stamp
- 1-Hunting With Unsigned Duck Stamp
- 1-Hunting MGB With Unplugged Gun
- 2-Hunting MGB From Vehicle
- 2-Using Lead Shot In Area Designated As Steel Shot Only
- 4-Possess Over Limit Of Ducks
- 1-Possessing F.B.A. W/O License
- 2-Taking Herons-No Season
- 1-Hunt MGB Without State Stamp

**CONFISCATIONS:**

908 lbs. of snapper sold for \$1,850.00, 2,353 lbs. of channel catfish sold for \$1,058.85, 19 whole speckled trout sold for \$32.00, 2,400 lbs. of mullet sold for \$240.00, 1 alligator, 1 raccoon, 1 squirrel, 1 nutria, 20 ducks, 1 coot, 22 rabbits, 13 guns, 17 gill nets total of 8,250 feet.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 8:**

- |                       |          |
|-----------------------|----------|
| 13-Boating            | 13-MGB   |
| 42-Sport Fishing      | 1-WMA    |
| 51-Commercial Fishing | 16-Misc. |
| 11-Oyster             |          |
| 60-Hunting            |          |

**REGION 9**

**TOTAL CASES-134**

**ENFORCEMENT-111**

**OTHER - 23**

14-Boating

13-Angling W/O A License

1-Use Gear W/O Recreational Gear License

1-Angling W/O Saltwater License

2-Take Or Poss. Undersized Red Drum

5-Take Or Poss. Undersized Black Drum

3-Take Or Poss. O/L Black Drum

2-Poss. O/L Spotted Sea Trout

1-Take Or Poss. Undersized Spotted Sea Trout

1-Take Bowfin With Nets Closed Season

4-Hunting From Moving Vehicle And/Or Aircraft

3-Hunting W/Unplugged Gun Or Silencer

2-Illegal Possession Of Wild Quadrupeds, Birds Or Parts Thereof

11-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

4-Hunt From Public Road Or Road Right-Of-Way

2-Hunt MGB W/O State Stamp

3-Hunt Or Take Deer Illegal Hours

1-Hunt Or Take Deer From Public Road

19-Hunt Or Take Illegal Deer Open Season

1-Hunt Or Take Deer W/Illegal Weapon

8-Not Abiding By Rules And Regs. On WMA

7-Hunting Ducks Or Geese W/O Federal Stamp

3-Hunting MGB Illegal Hours

**REGION 9 CONT'D.**

1-Hunting Doves Closed Season

6-Possess Over Limit Of Ducks

8-Using Lead Shot In Area Designated As Steel Shot Only

1-Hunting MGB With Illegal Firearm

2-Hunting MGB Over Baited Area

1-Illegal Spotlighting From Public Road

2-Discharge/Hunt Within 400' Of Town Road-Parish Ordinance

1-Contributing To The Delinquency Of A Minor.

1-Flight From An Officer

**CONFISCATIONS:**

11 ducks, 6 rabbits, 17 choupique, 38 black drum, 53 speckled trout, 6 deer, 16 weapons, 52 decoys, 2 boats.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 9:**

14-Boating

29-Fishing

59-Hunting

8-WMA

19-MGB

5-Misc.

**STATE STRIKE FORCE**

**TOTAL CASES-50**

3-Boating

15-Angling W/O A License

3-Angling W/O License Non-Resident

3-Angling W/O Saltwater License

1-Buy Commercial Fish From Un-Lic. Fisherman

2-Hunting W/O Resident License

2-Hunting From Moving Vehicle And/Or Aircraft

4-Hunting W/Unplugged Gun Or Silencer

3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

2-Hunt From Public Road Or Road Right-of-Way

1-Hunt Deer Closed Season

1-Hunt Or Take Deer Illegal Hours

2-Hunt Or Take Illegal Deer Open Season

3-Hunt Raccoons Or Opossums Illegally

1-Possessing F.B.A. Without License

1-Possession Of Live Non-Game Quadrupeds W/O Permit

3-Other Than Wildlife And Fisheries

**CONFISCATIONS:**

3 deer, 4 guns, 1 rabbit, 600 feet of gill net, 878 lbs. of mullet sold for \$175.60.

**OYSTER STRIKE FORCE**

**TOTAL CASES-37**

- 2-Angling W/O A License
- 2-Possession Undersize Red Drum
- 2-Possession Undersize Black Drum
- 2-No Commercial License
- 2-No Vessel License
- 1-No Wholesale/Retail License
- 1-Fail To Maintain Records
- 1-Transport W/O Required License
- 1-Failure To Have Written Permission
- 2-Unlawfully Take Oysters From State Water Bottoms
- 1-Take Oysters From Unapproved Area
- 1-Take Oysters Off Of A Private Lease
- 2-Harvest Oysters W/O Oyster Harvester License
- 2-Not Abiding By P.F.D. Requirements
- 1-Littering
- 14-Violation Of Sanitary Code-Chapter 9

**CONFISCATIONS:**

51 sacks of oysters, 1 gallon of oysters, 9 drum.

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**S.W.E.P.**

98 RUNNING HOURS

78 BOATS CHECKED

**TOTAL CASES: 7**

3-Boating

2-Angling W/O A License

1-Harvest Oysters W/O Oyster Harvester License

1-Federal

**CONFISCATIONS:**

1800 feet of gill net, 50 sacks of oysters.

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TOTAL CASES ENFORCEMENT-952

TOTAL CASES OTHER DIV. - 81

TOTAL CASES OSFORCE - 37

TOTAL CASES SSSFORCE - 50

TOTAL CASES S.W.E.P. - 7

GRAND TOTAL - 1040





## WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

MEMBER

RT. 1, BOX 201

LORANGER, LOUISIANA 70448

504/878-6733

February 8, 1995

Ms. Susan Hawkins  
Commission Secretary  
La. Wildlife & Fisheries  
FAX: 504-765-2607

Dear Susan:

Please place this letter into the record before the meeting and see that each commissioner gets a copy.

I plan to attend and participate in the February Commission meeting; however, I want it clearly understood that I do so under protest and do not waive my objection to the election held at the January meeting.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Schneider".

John F. "Jeff" Schneider  
JFS/lwm



## WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

MEMBER

RT. 1, BOX 201

LORANGER, LOUISIANA 70446

504/878-6733

February 3, 1995

Mr. Don Puckett, Attorney

Wildlife &amp; Fisheries Commission

P.O. Box 98000

Baton Rouge, La. 70898-9000

FAX: 504-765-2607

Dear Don:

My advisors and I have concluded that your opinion on the validity of the December election of officers is correct. Since RS 56:2 only authorizes annual, not monthly, elections and our by-laws state the election must be held in December with the Commissioners sitting at that time, that must mean that the January election of officers was invalid and Mr. Gisclair and Mr. Carver are not legally elected officers of the Commission. Don, it is very important that you understand that it is not of great importance to me whether I serve as Chairman or not. It is of great importance that the Commission follow the law and its own rules and by-laws.

I believe it is my duty to ask that this letter be officially entered into the minutes and record on this issue and that the first item on the February agenda should be for the Commission to reconsider its action on the January election and properly recognize the December election as valid.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Schneider".

John F. "Jeff" Schneider

JFS/lwm



WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

MEMBER

RT. 1, BOX 201

LORANGER, LOUISIANA 70446

504/678-6733

February 6, 1995

Mr. Perry Gisclair, Commissioner  
La. Dept. of Wildlife & Fisheries  
FAX: 504-396-2638

Dear Perry:

I have now been advised that my request for the Commission to reconsider its action on the January election is, indeed, a legitimate agenda item and should rightly be considered at the beginning of the meeting. A copy of my original letter is enclosed for your information.

This is not a request for a new election, but an item to give the Commission the opportunity to reconsider its action and recognize the December election as valid and binding.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff', is placed below the word 'Sincerely,'.

John F. "Jeff" Scheider  
JFS/lwm

cc: Mr. Don Puckett, FAX: 504-765-2607



WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

MEMBER

RT. 1, BOX 201

LORANGER, LOUISIANA 70446

504/878-6733

February 7, 1995

Mr. Perry Gisclair, Commissioner  
La. Dept. of Wildlife & Fisheries  
FAX: 504-396-2638

Dear Perry:

Apparently there is some confusion as to what exactly I would like placed on the agenda. The bottom line is that I believe the action the commission took is illegal. I simply would like the commission to have the opportunity to vote on a motion to rescind the January election. That is all.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff", is written over the word "Sincerely,".

John F. "Jeff" Schneider  
JFS/lwm  
cc: Don Puckett



WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

MEMBER

RT. 1, BOX 201

LORANGER, LOUISIANA 70448

504/678-6733

February 8, 1995

Ms. Susan Hawkins  
Commission Secretary  
La. Wildlife & Fisheries  
FAX: 504-765-2607

Dear Susan:

Please place this letter into the record before the meeting and see that each commissioner gets a copy.

I plan to attend and participate in the February Commission meeting; however, I want it clearly understood that I do so under protest and do not waive my objection to the election held at the January meeting.

Sincerely,

A handwritten signature in cursive script, reading "Jeff Schneider", is written over the typed name.

John F. "Jeff" Schneider  
JFS/lwm

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

February 7, 1995

## MEMORANDUM

TO: Commission Members

FROM: Joe L. Herring

Since Mr. Schneider and Mr. Cormier have chosen not to accept the 5-2 vote at our last meeting, I felt a response was in order. After our December meeting Mr. Tee John Mialjevich, Commission member asked that we get a legal opinion on the Commission vote December 1, 1994. I asked Mr. Don Puckett, our attorney for an opinion and he advised me he was not a parliamentarian but could contact one. I asked him to do this and he did. The parliamentarian he contacted said the election was not proper and recommended it be held over. Another Commission meeting was called for Friday, December 9, 1994 at 3:00 PM in Lafayette at the Holiday Day Inn South for the purpose of electing Commission officers. A quorum was not present at this meeting so the election could not be held. The following week another inquiry was made of the parliamentarian. The letter to Ms. Lovett from Mr. Puckett included a transcript and this statement:

"As you can see, no objection or point of order was made to the election or election procedure during the meeting."

She was also told of the inability to obtain a quorum at the special meeting. He then states that he has reached an opinion and that his conclusion was "that this question turns on the issue of timeliness of the point of order raised". She then issued an opinion stating that the procedure was improper but that because it was not raised timely then the election could stand. I then decided to contact another parliamentarian. The opinion agreed that the procedure was improper but differed from the previous opinion as to the validity of the election. It then became a matter of which opinion we would accept. Chairman Schneider chose

to accept the first opinion and the Commission overruled the Chair by a two-thirds vote. This was all in keeping with Roberts' Rules of Order in that an appeal of a Chairman's ruling is specifically outlined in the rules.

Now Mr. Schneider is attempting to rely on R.S. 56:2 and the by-laws to say that the Commission can only elect officers at the regular December meeting. R.S. 56:2, in fact states that:

"The Commission shall annually elect one of its members as chairman and one of its members as vice chairman."

Paragraph 1 of Article IV of the by-laws says that officers shall be elected at the regular meeting in December and that those elected hold office for one year "or until their successors are elected..."

Paragraph 2 reads:

"In case a vacancy shall occur among the elected officers, due to death, resignation, or other cause an election shall be held, at a regular or special meeting to fill the vacant office for the unexpired portion of the term."

The law and by-laws specifically provide for elections at times others than the regular December meeting. The special meeting called in December was such a meeting. No one objected to that meeting on the grounds that it was not the regular December meeting or that the election previously held was valid. It was only raised after there was no quorum and after Mr. Jones was replaced on the Board. Furthermore, to state that we can only elect officers at the regular December meeting would lead to ridiculous results. Following that rationale, we could hold invalid, illegal elections which must stand because the regular December meeting had past.

More importantly, there is an implication here that our action in January was illegal. I am not a lawyer but there is nothing here that indicates that the law was not followed. This matter is primarily a parliamentary question and great pains have been taken to follow the procedure outlined in Roberts' Rules of Order which the Commission has adopted through its by-laws. I think it is fair to say that none of us have expertise in this area. Both parliamentarians agreed that the procedure used at the regular December meeting was incorrect. The first opinion served to contradict itself by saying that because we are not sophisticated in this procedure that we should excuse the invalid procedure. Then the same opinion imposes on us the duty to timely object to something that she first says we should not have knowledge of.

The second opinion also found the procedure to be invalid and says that the election was, at best, an election in progress as we had only voted on an amendment. The opinion was well-documented and the Board obviously chose to accept that opinion. We certainly are anxious to follow the law and we have.

This Commission is charged with some very important duties in recommending the sound management of Louisiana and the Nation's renewable natural resources. Mr. Chairman, I recommend that we get on with our business, work together for the sportsmen, commercial interests and the citizens of our great State. Let us put this issue to rest and get on with the business of managing the renewable natural resources of Louisiana.



[EXCERPT FROM PRESENT BYLAWS]

AMENDMENT OF BY-LAWS

These By-laws may be altered or amended at any regular meeting of the Commission by a majority vote of the commissioners present at the meeting. However, no such alteration or amendment shall be considered unless (a) notice of the intention to alter or amend the By-laws shall have been given in writing at a previous meeting of the Commission, and (b) a draft of the proposed alteration or amendment shall have been sent to each member of the Commission at least forty-eight hours in advance of the meeting at which action on such alteration or amendment is to be taken.

AMENDMENT OF BYLAWS  
PROPOSALS 1 AND 2

ARTICLE IV

ELECTION OF OFFICERS AND APPOINTMENTS

1. Officers shall be elected annually at the regular meeting of the Commission in ~~December~~ January, at which the members shall elect, from among their own number, a chairman and a vice-chairman, to hold office for one year, or until their successors are elected. The Board shall not be bound by any particular order of succession in the nomination of members for election to office.
2. In case a vacancy shall occur among the elected officers, due to death, resignation, or other cause, an election shall be held, at a regular or special meeting, to fill the vacant office for the unexpired portion of the term.
3. Within the terms of their respective appointments, any member elected ~~on one of the above offices~~ as Vice-Chairman who shall have served in such office for one term, shall be eligible to succeed himself. Any member elected as Chairman who shall have served in such office for one term shall be ineligible to succeed himself in the year immediately following his service as Chairman.

AMENDMENT OF BYLAWS  
PROPOSAL 3  
OPTION A.

ARTICLE VIII

AGENDA AND ORDER OF BUSINESS

The Secretary shall prepare and submit to the Commission an agenda covering the items of business to be considered and acted upon at each meeting of the Commission including those items enumerated by the chairman. The chairman, or in his absence the vice-chairman, shall give verbal approval of the final agenda to the Secretary no later than 72 hours prior to the meeting. Any item of business requested by any member of the Commission shall be placed on the agenda unless the Chairman or, in his absence, the Vice-Chairman determines (a) that the item requested is a matter which is outside the constitutional or statutory jurisdiction of the commission; (b) is inappropriate for consideration at the meeting requested; provided that the Chairman or, in his absence, the Vice-Chairman shall state at the meeting the reasons for any such determination. If either the chairman or the vice-chairman are unavailable, verbal approval of the final agenda may be given by any two (2) commission members. The Commission may consider such other matters as may properly be brought before it. The order of business may be altered by the Commission at its discretion.

The Commission may, by majority vote, exclude any items or class of items from the agenda for a period not to exceed twelve (12) months; provided, however, that by two-thirds vote, the Commission may return such item or class of items to the agenda at any subsequent meeting.

At least 3 days prior to each meeting, the staff, under the direction of the Secretary, shall provide each Commission member with full explanations and back-up material and information on each item to be presented at the meetings.

AMENDMENT OF BYLAWS  
PROPOSAL 3  
OPTION B.

ARTICLE VIII

AGENDA AND ORDER OF BUSINESS

The Secretary shall prepare and submit to the Commission an agenda covering the items of business to be considered and acted upon at each meeting of the Commission including those items enumerated by the chairman. The chairman, or in his absence the vice-chairman, shall give verbal approval of the final agenda to the Secretary no later than 72 hours prior to the meeting. The Chairman or, in his absence, the Vice-Chairman shall have sole discretion to determine what items shall or shall not be placed on the Agenda including, but not limited to, those items of business requested by members of the Commission. If either the chairman or the vice-chairman are unavailable, verbal approval of the final agenda may be given by any two (2) commission members. The Commission may consider such other matters as may properly be brought before it. The order of business may be altered by the Commission at its discretion.

The Commission may, by majority vote, exclude any items or class of items from the agenda for a period not to exceed twelve (12) months; provided,

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At least 3 days prior to each meeting, the staff, under the direction of the Secretary, shall provide each Commission member with full explanations and back-up material and information on each item to be presented at the meetings.

# JUNE 1995

Photo by Katherine Smith  
South Timberline Area, Gulf of Mexico

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p><b>MAY 1994</b></p> <p>S M T W T F S</p> <p>1 2 3 4 5 6</p> <p>7 8 9 10 11 12 13</p> <p>14 15 16 17 18 19 20</p> <p>21 22 23 24 25 26 27</p> <p>28 29 30 31</p>	<p><b>JULY 1994</b></p> <p>S M T W T F S</p> <p>1 2 3 4 5 6 7 8</p> <p>9 10 11 12 13 14 15</p> <p>16 17 18 19 20 21 22</p> <p>23 24 25 26 27 28 29</p> <p>30 31</p>					
4	5	6	7	8	9	10
White shrimp post-larvae move from offshore to estuaries.	Full moon Chatterelle mushrooms fruiting in bottomland oak forests.	First quarter moon Blackberries ripen this month.	Flag Day	Bluebirds begin building nests again in preparation for second brood.	Peak alligator nesting. Diamondback terrapin season opens.	Hybrid striped bass schooling.
11	12	13	14	15	16	17
Father's Day	Last quarter moon	Rare red persimmon in flower in upland deep sands of Central and northwestern Louisiana.	Summer solstice (first day of summer)	Threatened ringed seaback turtles laying eggs June through July in Pearl River Basin.		Louisiana Fishing Enhancement Act signed into effect in 1986, creating Louisiana's Artificial Reef Program.
18	19	20	21	22	23	24
25	26	27	28	29	30	
	Get a jump on other sportsmen by purchasing 1995-96 sport and recreational gear licenses early.	New moon Most Wild Turkey pouls are flying and roosting in trees, assuring good survival rates.	Purchase your Wild Louisiana Stamp by the end of the month.		1994-95 hunting, fishing and recreational gear licenses expire.	

February 9, 1995

CONFIDENTIAL

FISHING YEAR	COMMERCIAL SPOTTED SEATRUT LANDINGS											
	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST
94-95	94,614	119,038	113,471	196,110								
93-94	88,407	118,592	191,211	194,585	285,989	154,317	49,544 (close 3/6)	82,128				
92-93	59,338	109,169	135,400	191,337	209,715	121,882	140,484	(close 4/16)				
91-92	25,922	47,403	105,759	139,433	144,822	57,710	94,215	176,625	3,128 (close 5/1)			
90-91	42,663	54,724	64,693	158,523	243,771	83,986	59,778	121,674	170,636	121,884	141,483 (close 8/2)	7,592
89-90	183,277	132,166	146,300	325,410	75,445	76,145	67,441	92,265	26,026 (close 5/6)	0	767	0
88-89	61,227	123,541	141,184	302,241	316,866	178,001	146,669	59,173 (close 4/9)	560	447	2	7
87-88	58,017	74,114	90,913	87,988	249,086	143,565	98,287	196,722	64,373 (close 5/6)	12,717	34,919	5,546
86-87	78,603	158,250	157,276	233,756	204,314	110,792	126,569	245,782	244,144	191,870	217,832	149,539
85-86	15,440	66,576	88,509	214,576	219,796	68,111	120,639	246,287	254,854	191,966	160,520	87,982
CUMULATIVE THROUGH MONTH												
SEPTEMBER		OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST
94-95	94,614	213,652	327,123	523,233								
93-94	88,407	206,999	398,210	592,795	878,784	1,033,101	1,082,645 (1.0 m lb)					
92-93	59,338	168,507	303,907	495,244	704,959	826,841	967,325 (1.0 m lb)	1,069,453 (1.0 m lb)				
91-92	25,922	73,325	179,084	318,517	463,339	521,049	615,264 (1.0 m lb)	791,889 (1.0 m lb)	795,017 (1.0 m lb)			
90-91	42,663	97,387	162,080	320,603	564,374	648,360	708,138	829,812	1,000,448	1,122,332	1,263,815	1,271,407 (1.25 m lb)
89-90	183,277	315,443	461,743	787,153	862,598	938,743	1,006,184	1,098,449	1,124,475	1,124,475	1,125,242	1,125,242
88-89	61,227	184,768	325,952	628,193	945,059	1,123,060	1,269,729	1,328,902	1,329,462	1,329,909	1,329,911	1,329,918
87-88	58,017	132,131	223,044	311,032	560,118	703,683	801,970 (1.25 m lb)	998,692 (1.25 m lb)	1,063,065 (1.0 m lb)	1,075,782	1,110,701	1,116,247
86-87	78,603	236,853	394,129	627,885	832,199	942,991	1,069,560	1,315,342	1,559,486	1,751,356	1,969,188	2,118,727
85-86	15,440	82,016	170,525	385,101	604,897	673,008	793,647	1,039,934	1,294,788	1,486,754	1,647,274	1,735,256

Based on reported landings to date, projections would estimate a closing date for the commercial season somewhere from late March through late April. Col. Vidrine has stated that there is evidence for approximately 50,000 lbs. of trout which are not included in these figures. If these additional fish are included, the expected closure date could be a week or two earlier.

Harry Blanchet



# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

95-25B

2/8/95

### FEBRUARY COMMISSION MEETING AGENDA REVISED

The Louisiana Wildlife and Fisheries Commission has revised the agenda for its next meeting, scheduled for Thursday, Feb. 9, 1995, at 10 a.m. in the Louisiana Room of the Wildlife and Fisheries headquarters building, 2000 Quail Drive, Baton Rouge, La.

The meeting is open to the public. The revised agenda follows.

1. Roll call.
2. Approval of minutes of Dec. 1, 1994, and Jan. 5, 1995.
3. Aircraft report.
4. Overview of 1994-95 hunting season results (waterfowl and deer).
5. Ratification of regulations for State Wildlife and Paul J. Rainey refuges.
6. Consideration of offshore shrimp season closure.
7. Red Drum Report, including Commission recommendation to the Legislature regarding game fish status.
8. Moratorium update and possible Declaration of Emergency and Notice of Intent.
9. Civil restitution and class 1 update.
10. Enforcement report/January.
11. Secretary's report to the Commission.
12. Consideration of rescission of January election of officers.
13. Notice of Intent to amend by-laws with regards to term limits for Commission chair and vice-chair.
14. Set June 1995 meeting date.
15. Public comments.

February 8, 1995

NEWS RELEASE

APPROVED: 

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, February 9, 1995, in the Louisiana Room, Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of December 1, 1994 and January 5, 1995
3. Aircraft Report
4. Overview of 1994-95 Hunting Season Results, Waterfowl and Deer
5. Rule Ratification - State Wildlife and Paul J. Rainey Refuge Regulations
6. Consideration of Offshore Shrimp Closure
7. Red Drum Report; Including Commission Recommendation to Legislature Regarding Gamefish Status
8. Moratorium Update & Possible Declaration of Emergency & Notice of Intent
9. Civil Restitution/Class 1 Update
10. Enforcement Report/January
11. Secretary's Report to the Commission
12. Consideration of Recision of January Election
13. Notice of Intent to Amend By-Laws to Term Limits
14. Set June 1995 Meeting Date
15. Public Comments
16. Adjourn



## WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

MEMBER

RT. 1, BOX 201

LORANGER, LOUISIANA 70446

504/878-6733

February 7, 1995

Mr. Perry Gisclair, Commissioner  
La. Dept. of Wildlife & Fisheries  
FAX: 504-396-2638

Dear Perry:

Apparently there is some confusion as to what exactly I would like placed on the agenda. The bottom line is that I believe the action the commission took is illegal. I simply would like the commission to have the opportunity to vote on a motion to rescind the January election. That is all.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff", is written over a horizontal line.

John F. "Jeff" Schneider  
JFS/lwm  
cc: Don Puckett

*Consideration of rescission  
of January election.*

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

95-25A

2/6/95

### FEBRUARY COMMISSION MEETING AGENDA REVISED

The Louisiana Wildlife and Fisheries Commission has revised the agenda for its next meeting, scheduled for Thursday, Feb. 9, 1995, at 10 a.m. in the Louisiana Room of the Wildlife and Fisheries headquarters building, 2000 Quail Drive, Baton Rouge, La.

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1. Roll call.
2. Approval of minutes of Dec. 1, 1994, and Jan. 5, 1995.
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5. Ratification of regulations for State Wildlife and Paul J. Rainey refuges.
6. Consideration of offshore shrimp season closure.
7. Red Drum Report, including Commission recommendation to the Legislature regarding game fish status.
8. Moratorium update and possible Declaration of Emergency and Notice of Intent.
9. Civil restitution and class 1 update.
10. Enforcement report/January.
11. Secretary's report to the Commission.
12. Discussion of December 1994 and January 1995 elections of officers.
13. Notice of Intent to amend by-laws with regards to term limits for Commission chair and vice-chair.
14. Set June 1995 meeting date.
15. Public comments.

February 6, 1995

NEWS RELEASE

APPROVED: 

*Amended* AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, February 9, 1995, in the Louisiana Room, Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of December 1, 1994 and January 5, 1995
3. Aircraft Report
4. Overview of 1994-95 Hunting Season Results, Waterfowl and Deer
5. Rule Ratification - State Wildlife and Paul J. Rainey Refuge Regulations
6. Consideration of Offshore Shrimp Closure
7. Red Drum Report; Including Commission Recommendation to Legislature Regarding Gamefish Status
8. Moratorium Update & Possible Declaration of Emergency & Notice of Intent
9. Civil Restitution/Class 1 Update
10. Enforcement Report/January
11. Secretary's Report to the Commission
12. Discussion of December and January Elections of Officers
13. Notice of Intent to Amend By-Laws to Term Limits
14. Set June 1995 Meeting Date
15. Public Comments
16. Adjourn

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

95-25

2/3/95

### FEBRUARY COMMISSION MEETING ANNOUNCED

The Louisiana Wildlife and Fisheries Commission will conduct its next regular meeting on Thursday, Feb. 9, 1995, at 10 a.m. in the Louisiana Room of the Wildlife and Fisheries headquarters building, 2000 Quail Drive, Baton Rouge, La.

The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of minutes of Dec. 1, 1994, and Jan. 5, 1995.
3. Aircraft report.
4. Overview of 1994-95 hunting season results (waterfowl and deer).
5. Ratification of regulations for State Wildlife and Paul J. Rainey refuges.
6. Consideration of offshore shrimp season closure.
7. Red Drum Report, including Commission recommendation to the Legislature regarding game fish status.
8. Moratorium update and possible Declaration of Emergency and Notice of Intent.
9. Civil restitution and class 1 update.
10. Enforcement report/January.
11. Secretary's report to the Commission.
12. Notice of Intent to amend by-laws with regards to term limits for Commission chair and vice-chair.
13. Set June 1995 meeting date.
14. Public comments.

-30-

This public document was printed at a cost of \$2.94. Three hundred copies of this document were printed in this first and only printing. This document was printed by the Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808 to provide timely information about department programs for numerous interest groups and the general public. This document was printed in accordance with the printing standards for state agencies established pursuant to R.S.43:31.

January 31, 1995

NEWS RELEASE

APPROVED: 

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, February 9, 1995, in the Louisiana Room, Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of December 1, 1994 and January 5, 1995
3. Aircraft Report
4. Overview of 1994-95 Hunting Season Results, Waterfowl and Deer
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7. Red Drum Report; Including Commission Recommendation to Legislature Regarding Gamefish Status
8. Moratorium Update & Possible Declaration of Emergency & Notice of Intent
9. Civil Restitution/Class 1 Update
10. Enforcement Report/January
11. Secretary's Report to the Commission
12. Notice of Intent to Amend By-Laws to Term Limits
13. Set June 1995 Meeting Date
14. Public Comments
15. Adjourn

January 30, 1995

NEWS RELEASE

APPROVED: 

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, February 9, 1995, in the Louisiana Room, Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of December 1, 1994 and January 5, 1995
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10. Secretary's Report to the Commission
11. Notice of Intent to Amend By-Laws to Term Limits
12. Set June 1995 Meeting Date
13. Public Comments
14. Adjourn



# State of Louisiana



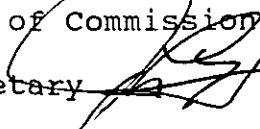
Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

January 26, 1995

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: Joe L. Herring, Secretary   
RE: February Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, February 9, 1995, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following will be on the agenda:

1. Approval of Minutes of December 1, 1994 and January 5, 1995

## LEE CAUBARREAU

2. Aircraft Report
3. Overview of 1994-95 Hunting Season Results, Waterfowl and Deer
4. Rule Ratification - State Wildlife and Paul J. Rainey Refuge Regulations

## CORKY PERRET

5. Consideration of Offshore Shrimp Closure
6. Red Drum Report; Including Commission Recommendation to Legislature Regarding Gamefish Status

Page 2  
Commission Meeting  
January 26, 1995

WYNNETTE KEES

7. Civil Restitution/Class 1 Update

WINTON VIDRINE

8. Enforcement Report/January

JOE HERRING

9. Secretary's Report to the Commission
10. Notice of Intent to Amend By-Laws to Term Limits
11. Set June 1995 Meeting Date
12. Public Comments

JLH:sch

C: Clyde Kimball  
Fred Prejean  
Lee Caubarreaux  
Corky Perret  
Don Puckett  
John Medica  
Division Chiefs

Perry Gisclair  
okayed verbally  
1/26/95 - 1:26 p.m.

**FAX TRANSMITTAL**

TO: Perry Gisclair

FAX# \_\_\_\_\_

FROM Susan Hawkins

RE: February Commission Agenda

Please review the attached agenda and call me if there are any changes that need to be made. I also need to know the seating arrangement for the Commission members. Thank you.

DATE: January 24, 1995

TIME SENT \_\_\_\_\_

FOR INFORMATION CALL (504) 765- 2806

OUR FAX # (504) 765-2607

PAGES TO FOLLOW 2

MEMORANDUM

TO: Chairman and Members of Commission  
FROM: Joe L. Herring, Secretary  
RE: February Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, February 9, 1995, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following will be on the agenda:

1. Approval of Minutes of December 1, 1994 and January 5, 1995

LEE CAUBARREAU

- . Aircraft Report
- . Overview of 1994-95 Hunting Season Results, Waterfowl and Deer
- . Rule Ratification - State Wildlife and Paul J. Rainey Refuge Regulations

CORKY PERRET

- . Consideration of Offshore Shrimp Closure
- . Red Drum Report; Including Commission Recommendation to Legislature Regarding Gamefish Status

Page 2  
Commission Meeting

WYNNETTE KEES

- . Civil Restitution/Class 1 Update

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JLH:sch

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John Medica  
Division Chiefs

# State of Louisiana



Joe L. Herring  
Secretary

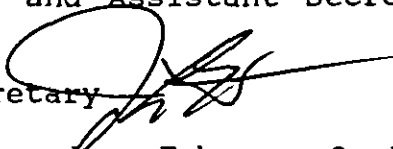
Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

January 5, 1995

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary 

SUBJECT: Commission Meeting Agenda - February 9, 1995

Please write on the bottom of this memo and return to Susan Hawkins by Wednesday, January 18th any agenda items your office may have for the Thursday, February 9th Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on February 9th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JLH/sch

cc: Commissioners  
Don Puckett  
Bob Dennie  
Winton Vidrine  
Hugh Bateman ✓  
Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

1) Overview of 1994-95 Hunting  
Season Results Waterfowl and  
Deer, H. Bateman

# State of Louisiana



Joe L. Herring  
Secretary

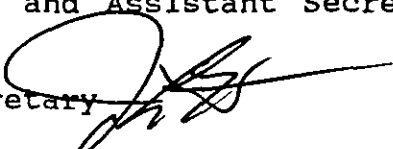
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Karl Turner

*Civil restitution  
W. Kees  
1-18-95*

# State of Louisiana



Joe L. Herring  
Secretary

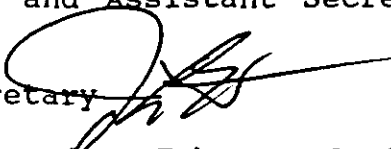
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John Roussel  
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Karl Turner

  
  
RECEIVED  
JAN - 6 1995  
ENFORCEMENT



# State of Louisiana



RECEIVED

JAN 10 85

INLAND FISHERIES  
DIVISION

Joe L. Herring  
Secretary

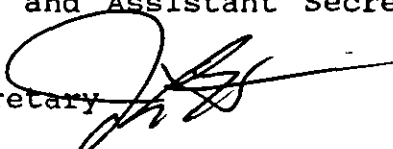
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Governor

January 5, 1995

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Karl Turner

SUSAN:

We have no items to be placed on  
the agenda for the February 9th  
Commission Meeting.

Thank you.

  
Bennie J. Fontenot, Jr.

# State of Louisiana



Joe L. Herring  
Secretary

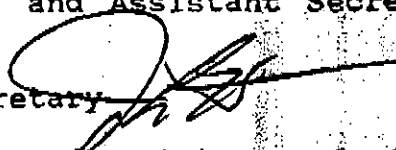
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Wynnette Kees  
Karl Turner ✓

*Suzan*  
*I have nothing to*  
*include today*  
*Karl*

# State of Louisiana



Joe L. Herring  
Secretary

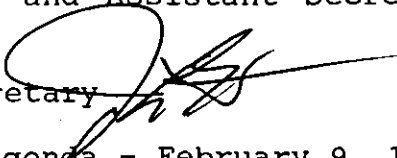
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